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# ***JPRS Report***

## ***Supplement***

# **East Europe**

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## ***Recent Legislation***

# East Europe

## Supplement

### Recent Legislation

JPRS-EER-91-061-S

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7 May 1991

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**Amendments to Decree on Passports, Visas**

91P20325A Tirana GAZETA ZYRTARE in Albanian  
Jan 91 pp 21-22

[Amendments to Decree No. 7393 of 12 June 1990: "On the Issuance of Passports for Travel Outside the State and the Granting of Visas"]

[Text] On the basis of Article 78 of the Constitution, at the recommendation of the Council of Ministers, the Presidium of the People's Assembly of the People's Socialist Republic of Albania resolves:

**Article 1**

In Decree No. 7393, of 12 June 1990, "On the Issuance of Passports for Travel Outside the State and the Granting of Visas," Article 4 is amended as follows:

"Visas may be individual and collective. As a rule, a visa is given for one trip and for a period of up to one year. In certain cases it can be given for more than one trip.

"A visa can be extended at the request of the citizen by our diplomatic and consular representatives outside the country."

**Article 2**

The following changes are made in Article 6:

—In letter "a" the words: "either renounced it or had it taken away," are removed.

—At the end of the article, a paragraph with the following content is added:

"For Albanian citizens, whose citizenship has been taken away from them or who have renounced it, the passport remains valid until they leave the territory of the People's Socialist Republic of Albania."

**Article 3**

This decree goes into effect immediately.

Tirana, 5 January 1991  
Decree No. 7450

For the Presidium of the People's Assembly  
of the People's Socialist Republic of Albania

President: Ramiz Alia  
Secretary: Sihat Tozaj

**Decree on Participation of Foreign Banks**

91P20324A Tirana GAZETA ZYRTARE in Albanian  
Jan 91 pp 3-8

[Decree on the creation of banks with the participation of foreign capital and the opening of branches or offices representing foreign banks in the People's Socialist Republic of Albania]

[Text] On the basis of Article 78 of the Constitution, on the recommendation of the Council of Ministers, the Presidium of the People's Assembly of the People's Socialist Republic of Albania resolves:

**Article 1**

On the recommendation of the Albanian State Bank for Relations with Foreign Countries, the Council of Ministers authorizes the creation, within or outside the country, of banks with the participation of foreign capital.

**Article 2**

A bank with the participation of foreign capital (henceforth called "bank") aims at increasing the hard currency revenues of the country, increasing exports and reducing imports, modernizing existing units or establishing new, economically profitable units with progressive technologies, and introducing modern methods for the organization and direction of production, services, etc.

**Article 3**

The purpose and activity of the bank are stipulated in its contract and statute.

**Article 4**

The request of an Albanian juridical person to carry on banking activities together with a foreign juridical or physical person, inside or outside the People's Socialist Republic of Albania, is directed to the Albanian State Bank for Relations with Foreign Countries and must contain:

- a) the subjects concerned;
- b) the name of the bank, its location, and information on the foreign persons;
- c) the purpose and the description of the activity of the bank;
- ch) the share of the capital which each participant will put up.

The request is accompanied by the following documents:

- a) the draft contract and the draft statute;

b) certified copies of the balance sheet of the foreign participant for the past three years, if this is required by the Albanian State Bank for Relations with Foreign Countries;

c) a document issued by the authorities in the foreign participant's country, which certifies that he has fulfilled the requirements of his country's legislation for the establishment of the bank;

ch) when the foreign juridical person is a bank, the permission of the management to create the bank;

d) a description of the activities which this bank will carry out, along with a technical report, which contains facts and figures based on the operations plan and the expected activity of the bank, the volume of work, and the earnings and expenses.

#### Article 5

Within 60 days of the receipt of the request and the documents specified in Article 4, the Albanian State Bank for Relations with Foreign Countries gives its opinion, which is announced to the requesting party. When the request is thought to be acceptable, the Albanian State Bank for Relations with Foreign Countries forwards to the Council of Ministers the recommendation for the creation of the bank, the request for the issuance of the authorization, and all the appropriate documentation.

#### Article 6

After the authorization is issued by the Council of Ministers, the bank which will be located in the People's Socialist Republic of Albania will begin its activity by the date or within the time period specified in the authorization, otherwise this authorization is declared null and void.

#### Article 7

Foreign banks can carry on banking activities on the territory of the People's Socialist Republic of Albania by means of their branches or offices of representation, which are opened with the authorization of the Director General of the State Bank for Relations with Foreign Countries.

The appropriate documentation, stipulated by the Albanian State Bank for Relations with Foreign Countries, should be attached to the request to open branches or offices of representation on the territory of the People's Socialist Republic of Albania.

#### Article 8

The Albanian State Bank for Relations with Foreign Countries monitors the activity of banks and branches or offices of representation of foreign banks which operate

on the territory of the People's Socialist Republic of Albania, according to the regulations established by the State Bank.

The Albanian State Bank for Relations with Foreign Countries has the right to set an amount no higher than 10 percent of the capital of the bank operating on the territory of the People's Socialist Republic of Albania which will be deposited by the bank as obligatory reserve without interest.

Any bank which operates on the territory of the People's Socialist Republic of Albania is obliged to present to the Albanian State Bank for Relations with Foreign Countries, no later than 31 March of the next year, the annual report and balance sheet approved by the competent organ of the bank for the previous fiscal year.

#### Article 9

The earnings realized by banks and by branches or offices representing banks which operate on the territory of the People's Socialist Republic of Albania are taxed. The amount of the tax is set by the Ministry of Finance.

After the approval of the annual report and the balance sheet of the bank by the Albanian State Bank for Relations with Foreign Countries, the portion of the net gain which belongs to the foreign participant can be freely transferred outside the state without any restrictions.

#### Article 10

When the Albanian State Bank for Relations with Foreign Countries notes irregularities in the activity of a bank or of branches or offices of representation which operate on the territory of the People's Socialist Republic of Albania, it informs them immediately, giving them a deadline for correcting them.

When the necessary measures for correcting these irregularities are not taken by the specified deadline or when very important issues are involved, the Albanian State Bank for Relations with Foreign Countries recommends that the Council of Ministers invalidate the authorization for the creation of the bank or it invalidates the authorization which it has issued itself.

#### Article 11

Banks or branches or offices representing foreign banks which operate on the territory of the People's Socialist Republic of Albania are subject to Albanian legislation.

When the bank has its headquarters outside the territory of the People's Socialist Republic of Albania, the legislation of the country in which its headquarters is located is implemented.

**Article 12**

Employment in the bank and in the branches or offices representing foreign banks which operate on the territory of the People's Socialist Republic of Albania is regulated by means of a labor contract. Provisions of Albanian labor legislation pertain in the case of matters which are not regulated by a labor contract. Disputes of workers with the bank and with branches or offices representing foreign banks which operate on the territory of the People's Socialist Republic of Albania are resolved by Albanian courts. When the plaintiff is a foreign worker, the dispute is resolved by the organ specified in the labor contract.

**Article 13**

The bank is dissolved:

a) in the case mentioned in Article 10, second paragraph, of this decree; b) when the purpose for which this bank was established has been achieved or when it cannot be achieved;

c) when the period for which this bank was established, as stated in the contract and statute, has expired;

ch) when the participants agree to dissolve the bank;

d) when one of the participants ceases to participate.

In the cases mentioned in letters "b," "c," "ch," and "d," the decision is made by the highest organ of the

bank and the Albanian State Bank for Relations with Foreign Countries is informed immediately.

**Article 14**

When the bank is dissolved, the common property is divided among the participants in proportion to the shares of each party, after all the debts to third parties and obligations to the state have been paid.

Items provided by the participants for common use are returned to the participant which provided them.

**Article 15**

When there are disagreements in regard to the division of property, the court of the country in which the headquarters of the bank is located is competent to resolve them.

**Article 16**

This decree goes into effect 15 days after its publication in GAZETA ZYRTARE.

Tirana, 5 January 1991

Decree No. 7447

For the Presidium of the People's Assembly of the People's Socialist Republic of Albania,

Secretary: Sihat Tozaj

President: Ramiz Alia

**Law on Ownership, Use of Agricultural Land**

AU1103060191 Sofia ZEMEDEL'SKO ZNAME  
in Bulgarian 1 Mar 91 pp 1-2

["Text" of law on ownership and use of agricultural land, adopted by the Grand National Assembly in Sofia on 22 February]

[Text]

**Chapter 1. General Provisions**

Article 1. This law establishes regulations for the ownership and use of agricultural land.

Article 2. Agricultural land in the sense of this law means land that is intended for agricultural production, and that:

1. is not situated within the building boundaries of inhabited areas;

2. does not form part of forest reserves;

3. is not occupied by buildings belonging to industrial or other economic enterprises, sanatoriums, rest centers or health institutions, religious communities or other social organizations, and does not form yards or storage areas attached to such buildings;

4. is not occupied by quarries or opencast mine workings, or by energy, irrigation, transportation, or other structures for public use, and does not form plots lying adjacent to such structures.

Article 3. (1) Agricultural land may be the property of the state, municipalities, citizens, and juridical persons.

(2) Political parties and organizations, movements, and coalitions formed for political purposes may not possess the right of ownership of agricultural land.

(3) Foreign states, foreign legal persons, and juridical persons with foreign participation may not possess the right of ownership of agricultural land.

(4) Foreign citizens and Bulgarian citizens permanently resident abroad may acquire agricultural land only through inheritance under the law. Within three years of receiving the inheritance, they are obliged to transfer it to persons as defined in paragraph 1 above.

(5) Foreign juridical persons, foreign citizens, and Bulgarian citizens permanently resident abroad may acquire the right to use agricultural land or other limited material rights over land according to the conditions and procedure defined in this law.

Article 4. (1) The owner is obliged to use the agricultural land only for its designated purpose.

(2) The owner freely chooses the method of using the agricultural land. When making use of the land, he is obliged not to harm the soil, and must observe sanitary, public health, fire, and ecological regulations.

(3) It is permitted to build on agricultural land buildings and structures connected with the use of the land, in accordance with the conditions and procedures set out in the Law on Territorial and Settlement Organization.

(4) The requisition of agricultural land for important state requirements is carried out in conformance with the Law on Ownership and the Law on Protection of Arable Land and Pastures, following a ruling of the National Land Council.

(5) Land owners and users are obliged to preserve the irrigation, electric power, and other installations and structures existing on their land, and not to hinder other owners and users from using the same installations and structures.

Article 5. In cases where agricultural land is not used for a period of three years in accordance with the requirements of Article 4, paragraph 1, the owner or user pays to the municipality a tax equal to the value of the average yield per unit of area for the relevant region or the relevant category of land.

**Chapter 2. Citizens' Land**

Article 6. Every Bulgarian citizen resident in the country may possess agricultural land. One household may own no more than 300 decares, or up to 200 decares of land in regions of intensive cultivation defined by the National Land Council.

Article 7. When disposing of or dividing land properties in co-ownership, the real shares may not be less than the minimum sizes defined in the Law on Inheritance.

Article 8. Citizens who carry out agricultural activities may unite to form cooperatives or associations for the joint cultivation of their land. In such cases, they may also retain the ownership of their land within real boundaries.

Article 9. (1) When agricultural land is sold, the following persons hold purchasing rights in accordance with the conditions and procedure of Article 33 of the Law on Ownership, in the following order of priority:

1. spouses and relatives in the direct line;

2. relatives in the lateral line up to the fourth degree removed;

3. the leaseholder and user of agricultural land put out to lease;

4. owners of neighboring plots of agricultural land;



5. the state and the municipalities.

Article 10. (1) The owners of agricultural land that was incorporated into labor cooperative farms and state agricultural farms have their ownership rights restored.

(2) The ownership rights to agricultural land nationalized under the repealed Article 12 of the Law on Citizens' Ownership are restored to the owners, after they have returned the monetary compensation they received. In cases where building rights or rights of use for the benefit of third parties have been established for the land in question, the state owes compensation to the former owner at prices determined by the Council of Ministers.

(3) The owners of agricultural land that has been illegally confiscated have their ownership rights restored.

(4) Land ownership is restored up to the extent defined under Article 8 of the Law on Labor Land Ownership of 9 April 1946.

(5) Owners whose lands were expropriated under Article 8, paragraphs 2 and 3 of the Law on Labor Land Ownership of 9 April 1946 and who have received no compensation under Article 14 and the following articles of the same law, receive compensation in the form of money or land from the land fund upon application.

(6) Persons who have ceded their land without compensation to a labor cooperative farm or to the state have their ownership rights restored upon application.

(7) The restoration of ownership of agricultural land is effected by granting ownership of land of equivalent value and quality in the territory of the relevant village or settlement, after completion of the land division for the purpose of forming larger plots.

(8) Foreign juridical persons, foreign citizens, and Bulgarian citizens permanently resident abroad whose land ownership rights are restored under the provisions of this article must transfer the ownership to the persons listed in Article 3, paragraph 1 within a three-year period.

Article 11. (1) The persons defined in Article 10 submit applications for restoration of their rights to agricultural land within one year of this law coming into force.

(2) Persons who for good reasons have omitted to apply for restoration of their ownership rights under paragraph 1 may apply to the National Land Council to have their rights restored within two years of the date on which this law comes into force. If their applications are rejected or if the two-year period has expired, their rights may be implemented by bringing legal action in the usual manner.

Article 12. (1) The application according to the preceding article is made to the relevant municipal land

commission and should contain a description of the property and evidence of ownership rights.

(2) In his application, the owner states whether he wishes to receive the land or its equivalent monetary value.

(3) The following serve as evidence of ownership rights: notarial acts, protocols of division of land, protocols of labor cooperative farms, land registers, applications and declarations of membership in labor agricultural farms, accounts books for payment of rent, and other written evidence.

Article 13. (1) The municipal land commission publicly displays at the town hall or at another suitable location the applications it has received, together with the information contained therein.

(2) Any interested person who considers that his rights are affected may submit an objection to the municipal land commission within three months of the promulgation of the facts contained in the applications.

(3) The interested parties are notified of the objection. Any dispute concerning ownership rights is settled by a court of law.

Article 14. (1) The municipal land commission pronounces its decision within six months of the date of receipt of the application.

(2) The commission's decision is communicated to the interested parties in the manner specified in the Code of Civil Legal Procedure.

(3) An appeal may be lodged against the decision at the regional court within six months of receiving the announcement of the decision. The appeal is submitted through the municipal land commission. The court decides the dispute in essence. The court's verdict may be appealed against, according to the usual procedure.

(4) All evidence specified in the Code of Civil Legal Procedure is admissible in the proceedings at the regional court.

Article 15. (1) Within six months of this law coming into effect, the municipal people's council is to submit to the municipal land commission information on changes in the extent of the agricultural plots in the relevant territory.

(2) In cases where the municipal land commission has established that the agricultural land has been reduced in area, the area of the land subject to restoration is also reduced accordingly. The state pays the difference between the amount of land contributed and the amount restored, in a manner and at prices determined by the Council of Ministers.

Article 16. The municipal land commission maintains registers of the applications received under Article 11 and of the decisions put into effect under Article 14 of this law.

Article 17. (1) Within one year of this law coming into force, the municipal land commission is to organize the preparation of a land division plan for agricultural farms in the territory of the relevant inhabited area.

(2) The land division plan determines the land from which the plots subject to restoration will be formed.

(3) Possession of the land is taken up after collection of the harvest, unless the owner pays compensation.

Article 18. Owners may not execute sales to other persons or conclude preliminary agreements relating to agricultural land under Article 19, paragraph 1 of the Law on Debts and Contracts for a period of three years following restoration of their rights, except as follows:

1. with relatives in the direct line;
2. between spouses;
3. with relatives in the lateral line up to the second degree;
4. with owners;
5. with the state and municipalities; and
6. when exchanging agricultural land.

Article 19. The agricultural land remaining following the restoration of ownership rights is incorporated in the municipal land fund.

Article 20. (1) Citizens with little or no land are provided with land from the state and municipal land funds by the municipal land commission, under conditions determined by the Council of Ministers.

(2) Citizens who have been granted land may not transfer it for a period of 10 years following its acquisition, except to the state or to the municipality.

Article 21. (1) In making grants of land, priority is given according to the following order of precedence:

1. persons who are engaged in agricultural work in the given inhabited area;
2. persons permanently resident in the given inhabited area who have ceded land to the land fund in another inhabited area;
3. agricultural specialists and young families who assume the obligation to engage in agricultural activity; and

4. persons whose land was expropriated for state or public requirements.

(2) In choosing between candidates with the same order of precedence, preference is given to those who possess no land or hold smaller amounts of land.

(3) The decision of the municipal land commission is communicated to the interested parties in the manner specified in the Code of Civil Legal Procedure, and appeals may be lodged according to the procedure of Article 14.

Article 22. Persons not included in the above last receive grants of land by a decision of the municipal land commission, on the basis of an auction conducted according to rules defined by the Council of Ministers.

Article 23. When grants of land are made, the right of ownership is acquired from the date when the decision of the municipal land commission comes into effect. The decision is recorded at the public notary's office.

### **Chapter 3. Land Owned by the State, the Municipalities, the Cooperatives, and Other Juridical Persons**

Article 24. (1) The state retains its ownership of the agricultural land covered by this law, with the exception of land subject to restoration of ownership.

(2) The rights of owners relating to agricultural land handed over to scientific, scientific-production, and educational institutions, seed-producing and pedigree stock-breeding farms, and hunting associations for the fulfillment of their scientific and scientific-production tasks are restored to the extent determined by the National Land Council, following a proposal made by the minister of agriculture and the food industry and coordinated with the relevant government departments.

(3) Ownership rights are not restored to agricultural land included in reservations defined under the procedure of the Law on Environmental Protection or in other protected nature reserves of national and international environmental importance, including land containing above or below ground archeological artifacts and cultural monuments that cannot be removed from said land.

(4) The owners of land defined in paragraphs 2 and 3 above are compensated either by payment to them of a sum equivalent to the value of the land or by receiving a grant of land from the state or municipal land fund in the same or a neighboring territory or, with their consent, in some other territory.

Article 25. (1) Agricultural land that does not belong to citizens, juridical persons, or the state is municipal property.



(2) The municipalities have their ownership rights restored to lands seized from them without compensation and handed over to state agricultural farms, labor cooperative farms, agroindustrial complexes, and agricultural companies, or to state forestry enterprises, in cases where the land has been incorporated into the state forest fund.

Article 26. Municipal land commissions may grant citizens, free of charge, the right to use municipal land in poorly productive and depopulated regions defined by the Council of Ministers. With the permission of the National Land Council, municipal land commissions may grant land from the state land fund for use by citizens. Persons who have cultivated land for 10 years may acquire rights of ownership without payment, by a decision of the municipal land commission that is recorded at the public notary's office.

Article 27. (1) Members of cooperative farms hold shares in the property of the farm. The size of the shares is determined by the general meeting on the basis of the contribution made by each member to the acquisition of the property (labor, contributed land, basic means, inventories of tools and equipment for which no payments have been made, and share contributions).

(2) Members of cooperative farms have the right to receive their shares when they give up their membership.

(3) Persons who ended their membership before this law came into force and the successors to their rights are also entitled to a share.

(4) If the person entitled to a share has not contributed land or basic means, his labor participation is taken into account, provided that he has worked for more than five years.

Article 28. (1) Labor cooperative farms have their ownership rights restored to property (agricultural land, basic means, money, and so forth) that was confiscated and handed over to other organizations.

(2) In cases where this property constitutes an inalienable part of existing funds, its restoration is effected in the form of share participation in the companies or owners of these funds.

(3) In the case where the property of a labor cooperative farm was handed over to a state agricultural farm, vehicle-tractor station, or other state organization, and subsequently became part of the property of companies, the share participation in the labor cooperative farm, or the share participation of successors to such rights, as appropriate, is determined in accordance with the property handed over by the labor cooperative farm to a state agricultural farm or other state organization.

(4) The size and form of the share participation is determined by agreement between the successors to

share rights in the labor cooperative farm and the companies or owners according to paragraph 2.

(5) The share participation, determined according to the above procedure, is allocated between the property of the successors of the rights to shares in the labor cooperative farm, cooperative agricultural farm, agricultural companies, and so forth by agreement between them.

Article 29. (1) Ownership rights to agricultural lands seized from the Bulgarian Orthodox Church and other religious communities, cooperatives, and other organizations are restored upon application, unless this land has been used after its seizure for the legal erection of nonagricultural buildings. The restoration is effected to the extent provided in the Law on Labor Land Ownership of 9 April 1946.

(2) With the consent of the organizations defined in paragraph 1, the restoration of ownership rights may be effected in other regions of the country.

Article 30. The owner of agricultural land included in cooperatives is entitled to receive rent in amounts determined in the statute or agreement of establishment of the cooperative.

#### Chapter 4. Organs of Land Ownership

Article 31. The organs of land ownership are the National Land Council and the municipal land commissions.

Article 32. (1) The National Land Council is an organ of the Council of Ministers. The membership of the council is determined by the Grand National Assembly upon a proposal made by the Council of Ministers.

(2) The National Land Council adopts a code of regulations for its organization and activity and for the organization and activities of the municipal land commissions.

(3) The National Land Council supervises the work of the municipal land commissions and carries out other functions specified in this law.

Article 33. (1) The municipal land commissions are formed under the municipal people's councils. Their membership is determined by the relevant municipal people's council.

(2) By decision of the municipal people's council, land commissions with the same powers may be formed in the townships. Their membership is determined by the municipal people's council.

### Additional Clauses

1. The term "household" as used in this law refers to husband and wife, unmarried children, and the parents of one or both spouses who live with them.

2. The phrase "incorporated into a labor cooperative farm" as used in this law also covers land excluded from the building boundaries of inhabited areas following the formation of a labor cooperative farm prior to the date on which the Law on Territorial and Settlement Organization came into force—1 June 1973.

### Transitional and Concluding Clauses

3. (1) Disputes concerning the use of land from the state land fund between state organizations, state and other organizations, and labor cooperative farms are resolved by the National Land Council. Appeals against the latter's decisions may be submitted to the Supreme Court.

(2) Disputes concerning the use of land from the municipal land fund between the organizations listed in paragraph 1 are decided by the municipal land commission. Appeals against the commission's decisions may be made to the district court.

(3) The land of labor cooperative farms that has been handed over to state and other organizations for agricultural activities must be restored to the owners if application is made, unless the land has been built upon. If a dispute arises, the issue is decided by the National Land Council, against whose decisions appeals may be lodged at the Supreme Court.

4. (1) Citizens who on 17 August 1990 held the right to use agricultural land granted to them under acts of the Presidium of the National Assembly, State Council, or Council of Ministers retain their rights. They may acquire the ownership rights to this land by making payments to the municipal people's council at prices determined by the Council of Ministers. The prices are determined on the basis of whether the land in question was under cultivation at the time it was distributed.

(2) The amounts paid for acquiring the ownership title under paragraph 1 are paid into a special fund of the

municipal people's council that is used to pay compensation according to Article 15, paragraph 2 of this law.

(3) Citizens hold rights and obligations under the preceding paragraphs in cases when the land is incorporated into a weekend villa zone, but the procedure for establishing the zone has not been completed.

(4) Villa plots and land for meeting family food requirements that have been received by citizens are removed from the agricultural land due to be restored to them under this law, under conditions and according to a procedure determined by the National Land Council. The price of the removed plot of land is paid to the owner, and the land is included in the fund for providing land grants.

(5) In the event of the former owners' presenting claims to the individual plots of land according to the preceding paragraphs, said owners receive compensation from the relevant municipality at prices determined by the Council of Ministers or are offered land of equivalent value.

5. Leasing agreements are preserved if the leased land remains in the ownership or for the use of the lessor. In the opposite case, the leasing agreement is annulled by putting the owner back in possession, but not before the harvest has been collected.

6. Persons receiving land grants under the procedure of this law may not lease or hire out the land for a period of five years after receiving the grant.

7. Agricultural producers are relieved of tax on the receipts from their agricultural activity for a period of five years from the date this law comes into force.

8. The proceedings carried out under this law at the land commissions and the courts are free of charge.

9. The money required for implementing the law is allocated from the state budget upon application by the Council of Ministers.

10. The implementation of this law is entrusted to the Council of Ministers, which is to issue a code of regulations for its application.

The law was adopted by the Grand National Assembly on 22 February 1991 and sealed with the Seal of State.

**Law on Organization, Duties of Constitutional Court**

91CH0477B Prague SV OBODNE SLOVO in Czech  
21 Mar 91 p 8

[Text] of law detailing the organization and duties of the Constitutional Court]

[Text] The Federal Assembly of the Czech and Slovak Federal Republic has resolved to adopt the following constitutional law:

**Article 1**

1. The Constitutional Court of the Czech and Slovak Federal Republic (hereinafter referred to only as the "Constitutional Court") is the judicial organ for the protection of constitutionality.

2. The judges of the Constitutional Court are independent in their decisions and are only bound by the Constitution of the Czech and Slovak Federal Republic and by the other constitutional laws passed by the Federal Assembly.

3. The seat of the Constitutional Court is in Brno.

**Article 2**

The Constitutional Court shall make decisions:

a) Regarding the conformity of the laws passed by the Federal Assembly and by the legislative measures of the Presidium of the Federal Assembly with the constitutional laws of the Federal Assembly.

b) Regarding the conformity of the laws adopted by the Federal Assembly, of the constitutional and other laws of the Czech National Council and the Slovak National Council with international treaties on human rights and basic freedoms which have been ratified and published by the Czech and Slovak Federal Republic.

c) Regarding the conformity of constitutional laws and other laws adopted by the Czech National Council and the Slovak National Council and the legislative measures of the Presidium of the Czech National Council and the Slovak National Council with the constitutional laws adopted by the Federal Assembly.

d) Regarding the conformity of decrees passed by the Government of the Czech and Slovak Federal Republic and legal regulations of the federal ministries and other federal organs of state administration with the constitutional and other laws passed by the Federal Assembly.

e) Regarding the conformity of decrees passed by the Governments of the Czech Republic and the Slovak Republic and legal provisions of the ministries and other organs of state administration in the Czech Republic and

the Slovak Republic with the constitutional and other laws passed by the Federal Assembly.

**Article 3**

1. In the event the Constitutional Court finds that there is a lack of conformity between the legal regulations listed in Article 2 above, the appropriate regulations, their parts, or possibly some of their provisions lose their validity; the organs which have issued these regulations must bring them into conformity with constitutional laws, international agreements, or possibly laws adopted by the Federal Assembly within six months of the publication of the decision of the Constitutional Court. In the event they do not do so, such regulations, their components, or provisions become null and void six months after publication of the finding; this does not apply to constitutional laws passed by the Czech National Council or the Slovak National Council.

2. In matters having to do with the conformity of constitutional laws passed by the Czech National Council and the Slovak National Council with the constitutional laws of the Federal Assembly, the Constitutional Court shall require the constitutional court of the appropriate republic to take a position prior to issuing its own finding.

3. The finding of the Constitutional Court is published in the Official Gazette which is intended for the publication of the laws passed by the Federal Assembly.

**Article 4**

The Constitutional Court decides jurisdictional disputes:

a) between organs of the Czech and Slovak Federal Republic.

b) between organs of the Czech and Slovak Federal Republic and organs of one or both of the other republics.

c) between organs of the Czech Republic and organs of the Slovak Republic.

**Article 5**

1. The Constitutional Court presents interpretations regarding the constitutional laws of the Federal Assembly where matters are in dispute. The appropriate conditions are contained in a Federal Assembly law.

2. The Constitutional Court does not take positions on questions of conformity of proposed laws and other legal regulations with constitutional laws passed by the Federal Assembly.

**Article 6**

The Constitutional Court decides on constitutional complaints against provisions, legal decisions, or other incursions by organs of public power, provided the plaintiff claims that these provisions have violated his basic rights and freedoms, which are guaranteed by a Federal Assembly constitutional law or by international laws listed under Article 2, Letter b), above. The appropriate conditions are contained in a Federal Assembly law.

**Article 7**

The Constitutional Court shall make decisions as to whether a decision to dissolve a political party or political movement, whose activities are not restricted to the territory of one of the republics, or whether decisions pertaining to their activities are in conformance with the constitutional and other laws passed by the Federal Assembly. The appropriate conditions are listed in a Federal Assembly law.

**Article 8**

1. The Constitutional Court shall act in accordance with Articles 2, 4, and 5, provided the proposal for such action is submitted by

- a) the president of the Czech and Slovak Federal Republic;
- b) the Federal Assembly;
- c) the Government of the Czech and Slovak Federal Republic or another central organ of the Czech and Slovak Federal Republic;
- d) the Czech National Council;
- e) the Slovak National Council;
- f) the Government of the Czech Republic or another central organ of the Czech Republic;
- g) the Government of the Slovak Republic or another central organ of the Slovak Republic;
- h) the Court itself in connection with its decision-making activities;
- i) the prosecutor general of the Czech and Slovak Federal Republic or the prosecutor general of the Czech Republic or the prosecutor general of the Slovak Republic.

2. In cases listed in Article 2 above, the Constitutional Court shall initiate action also on the basis of proposals submitted by one-fifth of the delegates to the Federal Assembly or by one-fifth of the delegates of the Czech National Council or one-fifth of the delegates to the Slovak National Council.

3. In cases listed in Article 6 above, the Constitutional Court shall initiate action on the basis of a constitutional complaint by a physical or legal entity, under conditions stipulated by a Federal Assembly law.

4. In cases listed in Article 7 above, the Constitutional Court shall initiate action upon the proposal of the individual authorized to act for a political party or a political movement which is impacted by the decision.

**Article 9**

No legal remedy is permissible against a decision by the Constitutional Court.

**Article 10**

1. The Constitutional Court is composed of 12 judges.

2. The judges of the Constitutional Court are appointed by the president of the Czech and Slovak Federal Republic from among the ranks of individuals proposed by the Federal Assembly, the Czech National Council, and the Slovak National Council. Each of the legislative bodies presents a list of eight candidates with the Federal Assembly proposing four candidates who are citizens of the Czech Republic and four candidates who are citizens of the Slovak Republic. Judges of the Constitutional Court are appointed for a term of seven years.

3. A nominee and appointee to be a judge on the Constitutional Court can be any citizen who has a clean record and who is eligible for election to the Federal Assembly, has reached the age of 35, has an advanced school legal education, and has been active for at least 10 years in the legal profession.

4. Six judges to the Constitutional Court are appointed from among citizens of the Czech Republic and six from among citizens of the Slovak Republic.

**Article 11**

1. The chairman and deputy chairman of the Constitutional Court are appointed by the president of the Czech and Slovak Federal Republic from among the judges of the Constitutional Court.

2. If the chairman of the Constitutional Court is a citizen of the Czech Republic, then the deputy chairman shall be a citizen of the Slovak Republic, or vice versa.

**Article 12**

In the event of a vacancy among the judges on the Constitutional Court, the president of the Czech and Slovak Federal Republic shall appoint a successor from among the citizens of the appropriate republic; the provisions of Articles 10 and 11 shall apply.

**Article 13**

1. Judges on the Constitutional Court shall give the following oath to the president of the Czech and Slovak Federal Republic:

"I promise, on my honor and conscience, that I shall protect the inviolability of the natural human rights and the rights of the citizen, that I shall be governed by the Constitution of the Czech and Slovak Federal Republic and by the constitutional laws passed by the Federal Assembly, and that I shall make decisions in accordance with my best convictions, independently and impartially."

2. A judge on the Constitutional Court takes up his duties by giving the above oath.

**Article 14**

1. The Constitutional Court shall make its decisions in a plenum or in four-member senates.

2. The Constitutional Court shall decide, in a plenum, regarding matters listed in Articles 2, 4, and 7, as well as on matters:

- a) regarding the arrangement of its internal conditions;
- b) regarding the establishment of senates and rules for dividing the agenda among them;
- c) regarding matters which a senate could not decide because of the equality of votes;
- d) regarding matters pertaining to approval according to Article 15, Paragraphs 1 and 2;
- e) regarding proposals according to Article 17.

3. In other matters, the Constitutional Court shall make its decision in senates.

**Article 15**

1. A judge on the Constitutional Court may not be criminally prosecuted nor taken into custody without the approval of the Constitutional Court. If the Constitutional Court refuses to grant its approval, the prosecution is excluded forever.

2. In the event a judge on the Constitutional Court has been apprehended and detained in the commission of a criminal act, the appropriate organ is obligated to immediately announce the fact to the Constitutional Court. If the Constitutional Court does not agree to the detention, the judge must be released immediately.

3. A judge on the Constitutional Court may not be prosecuted for a misdemeanor or a similar illegal action.

4. The disciplinary responsibilities of judges on the Constitutional Court are adjusted by a Federal Assembly law.

5. A judge on the Constitutional Court may decline to give evidence in matters which have come to his attention during the execution of his function, even after he has ceased being a judge.

**Article 16**

1. The function of a judge on the Constitutional Court is incompatible with the function of a delegate to the Federal Assembly, the Czech National Council, the Slovak National Council, with membership in the Government of the Czech and Slovak Federal Republic, in the Government of the Czech Republic, in the Government of the Slovak Republic, as well as with the functions in a political party or movement.

2. Judges on the Constitutional Court execute their functions as their profession. The execution of this function is incompatible with any other money-earning or economic activity, except for scientific activities, pedagogic activities, literary and artistic activities.

3. The day a judge on the Constitutional Court takes up his functions he loses his mandate as a delegate, loses his membership in the government, and his function in a political party or in a political movement.

4. Monetary and other benefits for judges on the Constitutional Court are stipulated by a Federal Assembly law.

**Article 17**

A judge on the Constitutional Court may surrender his duties. The president of the Czech and Slovak Federal Republic may recall a judge on the basis of a judicial decision sentencing the judge for commission of a deliberate criminal act. The president of the Czech and Slovak Federal Republic may, with the approval of the Federal Assembly, recall a judge even in the event the recall is proposed by the Constitutional Court itself in view of the results of the disciplinary hearing which was conducted with the judge in question or because a judge has failed to participate in the activities of the Constitutional Court for more than one year.

**Article 18**

1. The organization of the Constitutional Court and the proceedings before it are the subject of a Federal Assembly law.

2. A proposal for a law organizing the Constitutional Court and the proceedings before it may also be submitted by the Constitutional Court itself.

**Article 19**

The cost of the activities of the Constitutional Court, including the Office of the Constitutional Court, are to be defrayed by the state budget of the federation.

**Article 20**

The constitutional laws of the Czech National Council and the Slovak National Council may adjust the constitutional judicial system in the Czech Republic and the Slovak Republic.

**Article 21**

Article 36, Paragraph 1, Letter g), and Chapter 6 (Articles 86 through 101) of Constitutional Law No. 143/1968 Sb. on the Czechoslovak Federation are rescinded.

**Article 22**

1. This law becomes effective 1 April 1991.

2. The provisions of Article 2, Letter c), to the extent to which they involve decisions on the conformity of the new Constitutions of the Czech Republic and the Slovak Republic with the constitutional laws of the Federal Assembly, become effective on the same day on which the new Constitution of the Czech and Slovak Federal Republic becomes effective.



### Law on Passport Regulations

91EP0409A Warsaw DZIENNIK USTAW in Polish  
No 2 Item No 5, 7 Jan 91 pp 9-11

[Law dated 29 November 1990 governing passports]

[Text] Article 1. A passport is an official document authorizing border crossings and sojourn abroad and attesting to Polish citizenship as well as to the identity of the person named therein as regards the data contained therein.

Article 2. The following kinds of passports apply:

- 1) Passport.
- 2) Diplomatic passport.
- 3) Official passport of the Ministry of Foreign Affairs.
- 4) Form passport.

Article 3. Any Polish citizen has the right to a passport. The deprivation or limitation of that right may take place only in cases specified in this law.

Article 4.1. Passports are issued or revised by the voivode of the voivodship of permanent residence of the applicant, and abroad by the consul—hereinafter referred to as "passport agencies."

4.2. In cases warranted by important interests of the person eligible to receive a passport, the minister of internal affairs may issue a passport or revise it. Upon the approval of the minister of internal affairs a voivode may issue or revise a passport without specifying the locale of the issuing authority.

4.3. Diplomatic passports and official passports of the Ministry of Foreign Affairs are issued, renewed, and revised by the minister of foreign affairs.

4.4. Outside this country the consul is authorized to renew and revise diplomatic passports and official passports of the Ministry of Foreign Affairs.

4.5. Form passports are issued by the consul in order to enable Polish citizens sojourning abroad and lacking a domestically issued passport to return to this country.

4.6. The Council of Ministers shall issue executive orders defining the official positions and duties of those holders or executors are authorized to receive a diplomatic passport or an official passport of the Ministry of Foreign Affairs, as well as the family members of the persons eligible for diplomatic passports who also are eligible for diplomatic passports, and the procedure for the safekeeping of these passports and the scope of activities of the consul in passport matters.

Article 5.1. Passports are issued upon presentation of required documents and payment of required fees.

5.2. The Council of Ministers shall issue executive orders defining the amount of passport fees, the procedure for their payment, and the scope and terms of applicability of discounts on and exemptions from these fees, as well as the terms for raising these fees in the event of the loss of a passport through the fault of its holder.

5.3. The issuance or revision abroad of passports referred to in Paragraph 1 and the related applications are subject to fees defined in the regulations governing the duties of consuls.

Article 6.1. A passport application filed in this country may be denied upon the recommendation of:

- 1) A court of law engaging in criminal or civil proceedings against the passport applicant.
- 2) The Attorney General, concerning a passport applicant subject to judicial prosecution in this country for a crime committed while abroad.
- 3) An agency engaging in preparatory or executive proceedings in a criminal matter concerning a bill of criminal indictment or a criminal Treasury matter.

6.2. A passport application filed in this country may be denied:

1) If the applicant fails to perform a legal obligation and there exists a justified suspicion that his or her departure abroad will render it impossible to perform that obligation and the failure to perform the obligation is affirmed in a judicial ruling or in a ruling by an authorized agency.

2) In the event of a valid sentencing of the passport applicant for a crime committed abroad, insofar as that crime is subject to criminal responsibility in this country.

3) For a period of not longer than 12 months in the event that, by means of the procedure specified in international agreements, confirmed information is obtained to the effect that the applicant had, while abroad, committed a crime or a petty offense out of motives of personal gain.

6.3. The provisions of Paragraphs 1 and 2 also apply in cases in which a border crossing is made on the basis of documents other than a passport.

Article 7.1. In cases justified by important interests of the passport applicant, despite the existence of reasons warranting the rejection of the application, a passport authorizing a single trip abroad may be issued, subject to the approval of the agency referred to in Article 6, Paragraph 1.

7.2. In urgent cases relating to the illness or funeral of a family member or a need for urgent medical treatment of a severely ill person, a passport is issued or revised within three days after the passport applicant meets the requirements of Article 5.

7.3. In the event that the passport applicant is legally incapacitated, the passport may be issued upon the request of the legal guardian of that applicant.

7.4. In the event that the passport applicant is a minor, consent of both parents or legal guardians is required, unless it ensues from a judicial ruling that the right to decide in this matter does not belong to one of the parents; in the event that the positions taken by parents are not reconcilable, or if consent cannot be obtained, a ruling by a guardianship court may be accepted instead.

Article 8.1. A passport is issued for a single individual.

8.2. The passport may be extended to cover children up to 16 years of age who are traveling under the care of the passport holder.

Article 9.1. A passport is valid for 10 years from the date it is issued.

9.2. The expiration of a passport does not deprive its holder of the right to arrive on the basis of that passport in the territory of the Republic of Poland.

Article 10.1. If the circumstances referred to in Article 6, Paragraph 1, apply to the passport holder, the passport agency rules that the passport is invalidated. A passport may also be invalidated owing to the presence of the circumstances referred to in Article 6, Paragraph 2.

10.2. The submission of an appeal against the invalidation of a passport does not halt the execution of such a ruling.

10.3. In the event of the invalidation referred to in Paragraph 1, the passport fee and other relevant expenses are refunded. The minister of internal affairs shall determine in cooperation with the minister of finance, by means of an executive order, the scope and procedure for said refunds.

Article 11.1. A person whose passport has been invalidated is obligated to return that passport to the passport agency.

11.2. In the event of failure to implement the obligation referred to in Paragraph 1, provisions governing executive proceedings in administration apply.

Article 12. In the event of loss of Polish citizenship by a person to whom a passport has been issued, the passport agency rules that that person's passport is invalidated.

Article 13. Rulings on matters concerning passports may be appealed to the minister of internal affairs.

Article 14.1. A voivode may issue a Polish travel document authorizing a foreigner sojourning in Polish territory to cross the border if said foreigner lacks a proper document issued by a foreign country and cannot obtain that document for reasons outside his control, or when obtaining that document is particularly difficult.

14.2. The regulations governing passports apply correspondingly to travel documents, with the proviso that the right to cross the border may be confined solely to the right to depart from the territory of the Republic of Poland.

Article 15.1. The minister of internal affairs exercises supervision over passport matters.

15.2. The minister of foreign affairs exercises supervision over diplomatic passports and official passports of the Ministry of Foreign Affairs.

15.3. The minister of internal affairs shall, in cooperation with the minister of foreign affairs, issue an executive order defining the sample forms of and procedure for granting passports and travel documents, the documents to be appended to the passport application, and the procedure to be followed by Border Guard personnel in the event of discovery of flaws in passports and travel documents during their inspection at border crossing points.

Article 16.1. Official passports retain their validity until 31 December 1992. During that period their validity may be extended upon the recommendation of supreme and central agencies of government administration.

16.2. Consular passports become passports and remain valid until the expiration of the dates specified therein.

16.3. Passports not referred to in Paragraphs 1 and 2 which were issued under heretofore applicable provisions remain valid until the expiration of the dates specified therein.

Article 17.1. On the date on which this law takes effect the passport departments operating at voivodship Police offices cease to operate.

17.2. The minister of internal affairs shall transmit to the voivodes the records, property, and tables of organization of the passport departments heretofore operating at the Police offices in their voivodships.

17.3. On the effective date of this law the police personnel serving in the heretofore operating passport departments at voivodship Police offices become, by virtue of law, discharged from service and acquire the status of employees of voivodship agencies as construed by the Law dated 16 September 1982 on Employees of

Government Offices (Dz.U. [DZIENNIK USTAW], No. 31, Item No. 214, 1982; No. 35, Item No. 187, 1984; No. 19, Item No. 132, 1988; No. 4, Item No. 24, and No. 34, Items No. 178 and No. 182, 1989; and No. 20, Item No. 121, 1990). The provisions of Article 152 of the Law dated 6 April 1990 on the Police apply correspondingly.

17.4. The employment relationship with the employees referred to in Paragraph 3 is terminated six months after the present law takes effect, unless a new employment relationship is established prior to the expiration of that time limit; however, the relationship may be terminated even earlier provided that the employee receives a prior three-month notice.

Article 18.1. The Law dated 29 March 1963 on Foreigners (Dz.U., No. 15, Item No. 77, 1963; No. 14, Item No. 85, 1974; No. 11, Item No. 45, 1977; and No. 63, Item No. 288, 1983) is amended as follows:

1) In Article 13 the text of Paragraph 2 is changed:

"13.2. A permanent residence card is issued by the voivode proper for the address of the intended permanent residence (domicile) of the foreigner, upon consulting the local voivodship Police commander. The ruling is issued in written form which the applicant is eligible to appeal."

2) In Article 15 the following second sentence is inserted in Paragraph 2:

"The obligation of escorting the foreigner to the state border rests on the voivodship Police commander proper for the foreigner's domicile."

3) In Article 17:

a) The original text of the article is designated as Paragraph 1.

b) The following Paragraph 2 is added:

"17.2. The duties and corresponding powers defined in Article 4, Paragraph 1, Article 7, Paragraph 3, Article 11, Paragraph 1, Article 12, Article 14, Paragraphs 3 and 4, and Article 17, Paragraph 1, of the law referred to in Paragraph 1 above, heretofore belonging to voivodship Police commanders, are transferred to the voivodes."

Article 19. This will rescind the Law dated 17 June 1959 on Passports (Dz.U., No. 17, Item No. 81, 1967; No. 28, Item No. 261, 1971; No. 66, Item No. 298, 1983; and No. 31, Item No. 172, 1984).

Article 20. The present law takes effect three months after the date of its publication.

President of the Republic of Poland: L. Walesa

### Executive Order on Provisions of Weapons Law

91EP0372A Warsaw DZIENNIK USTAW in Polish  
No 76 Item No 451, 12 Nov 90 p 1026

[Executive Order of the Ministry of Internal Affairs dated 29 October 1990 governing the extension of certain provisions of the law on weapons, ammunition, and explosive materials and specific types of objects which could threaten public safety]

[Text] Pursuant to Article 4, Paragraphs 5 and 6, and Article 32 of the Law dated 31 January 1961 on Weapons, Ammunition, and Explosives (DZIENNIK USTAW [Dz.U.], No. 6, Item No. 46, 1961; No. 6, Item No. 35, 1983; No. 41, Item No. 324, 1988; and No. 35, Item No. 192, 1989), the following is hereby ordered:

Paragraph 1. The provisions of Chapters I-IV and Articles 29, 30, 33, and 34 of the Law of 31 January 1961 on Weapons, Ammunition, and Explosives (Dz.U., No. 6, Item No. 46, 1961; No. 6, Item No. 35, 1983; No. 41, Item No. 324, 1988; and No. 35, Item No. 192, 1989) are hereby extended to:

1) Pistols, revolvers, and other objects serving to fire neutralizing chemicals and alarm and signal ammunition.

2) Objects designed to neutralize individuals with the aid of electrical charges.

3) Crossbows.

4) The following kinds of edged and clubbing weapons:

a) Blades concealed in objects lacking the appearance of weapons.

b) Flexible clubs tipped with a heavy or hard material or containing inserts of such material.

c) Nunczaki [as published] and knuckle-dusters.

Paragraph 2. A permit to carry a handgun means at the same time a permit to carry a pistol, a revolver, or other objects referred to in Paragraph 1, Point 1.

Paragraph 3. Ownership of alarm pistols up to 6 mm in caliber does not require a weapon permit.

Paragraph 4. This will rescind the Executive Order dated 12 December 1986 of the Minister of Internal Affairs Concerning the Extension of Certain Provisions of the Law on Weapons, Ammunition, and Explosives to Pistols, Revolvers, and Other Objects Serving To Fire Neutralizing Chemicals and Alarm and Signal Ammunition (Dz.U., No. 1, Item No. 6, 1987).

Paragraph 5. This Executive Order takes effect 14 days after its publication.

Minister of Internal Affairs: K. Kozlowski

### Executive Order on Weapons Sales, Circulation

91EP0372C Warsaw DZIENNIK USTAW in Polish  
No 76 Item No 453, 12 Nov 90 pp 1031-1033

[Executive Order of the Ministries of Domestic Trade and Internal Affairs dated 29 October 1990 regulating the sale and circulation of weapons and ammunition]

[Text] Pursuant to Article 4, Paragraph 6, Article 8, Article 19, Paragraph 2, and Article 24, Paragraph 4, of the Law dated 31 January 1961 on Weapons, Ammunition, and Explosives (DZIENNIK USTAW [Dz.U.], No. 6, Item No. 43, 1961; No. 6, Item No. 35, 1983; No. 41, Item No. 324, 1988; and No. 35, Item No. 192, 1989), the following is hereby ordered:

Paragraph 1.1. Weapons and the ammunition therefor are sold exclusively to persons presenting proof of a weapon permit issued by the appropriate police office, or to persons showing an identification card issued by the Ministry of Foreign Affairs and certifying their membership in the diplomatic corps. Sample certification of weapon permit is contained in Supplement No. 1.

1.2. Ammunition may also be sold to the persons presenting a weapon permit. The kind and caliber of ammunition should correspond to the kind and caliber of the weapon specified in the weapon permit.

1.3. Gunpowder and percussion caps may be sold exclusively to persons showing a permit for a hunting weapon.

1.4. The provisions of Subparagraphs 2 and 3 apply correspondingly to the sales of ammunition, gunpowder, and percussion caps to persons belonging to the diplomatic corps.

Paragraph 2.1. The economic entity authorized to sell weapons and ammunition, hereinafter referred to as the "vendor," is obligated to store weapons and ammunition in appropriately secured premises, as well as to keep records of the income and outgo of these weapons and ammunition.

2.2. The specific procedure for securing storage areas and keeping records is detailed in Supplement No. 2.

Paragraph 3.1. The vendor is obligated to test-fire three cartridges from salable firearms, as well as from salable pistols and revolvers serving to fire chemical neutralizing agents and alarm and signal ammunition.

3.2. The test-firing referred to in Subparagraph 1 is performed in the presence of an authorized representative of the voivodship police headquarters.

Paragraph 4.1. Each time an item of weaponry is sold, the vendor notifies the police station which had issued the certification of a weapon permit. In the event the sale is to a person belonging to the diplomatic corps, the vendor notifies the Warsaw Police Headquarters.

4.2. The notification should be sent within three days from the day of sale.

4.3. The notification should contain the name and address of the purchaser, the number and date of the permit referred to in Subparagraph 1 (or of the identification card if the buyer is a diplomat), and the kind, name, caliber, trademark, series, number, and year of manufacture of the weapon sold. Appended to the notification are three spent cartridges together with a record of their test-firing. Sample notification is presented in Supplement No. 3.

Paragraph 5.1. The Police monitor adherence to the provisions of this Executive Order. In particular, the Police are authorized to:

- 1) Enter the premises for the sale and storage of weapons and ammunition.
- 2) Monitor the manner in which the storage area is secured and records are kept.
- 3) Inspect the documents authorizing the sale of weapons and ammunition.

5.2. A record of such monitoring and inspection is kept; it should specify the findings and contain recommendations for the elimination of irregularities if any.

Paragraph 6. Any irregularities found during the inspection referred to in Paragraph 5 may warrant requesting the agency licensing the vendor to revoke the license or curtail the scope of activities defined in the license.

Paragraph 7. The following are hereby null and void:

1) Executive Order dated 18 May 1962 of the Ministers of Domestic Trade and Internal Affairs Concerning the Terms of Sale and Procedure for the Recording and Storage of Weapons, Ammunition, and Gunpowder by Socialized Trade Enterprises (Dz.U., No. 31, Item No. 148).

2) Executive Order dated 10 October 1982 of the Ministers of Domestic Trade and Internal Trade Concerning the Scope of and Procedure for the Monitoring of Enterprise Trade in Weapons and Ammunition by Agencies of the Citizens' Militia (Dz.U., No. 54, Item No. 270).

Paragraph 8. This Executive Order takes effect 14 days after its publication.

Minister of the Internal Market: A. Mackiewicz

Minister of Internal Affairs: A. Kozlowski

**Supplement No. 1 to Executive Order dated 29 October 1990 (Item No. 453) of the Ministers of the Internal Market and Internal Affairs)**

Voivodship Police Headquarters at

No. \_\_\_\_\_

**Certification of Weapon Permit**

This certifies that Mr. (Mrs.) \_\_\_\_\_

(name, surname, father's name)

I.D. Card series \_\_\_\_\_

No. \_\_\_\_\_

has received a permit for carrying the weapon

(type of weapon)

This certification authorizes the purchase of one weapon of the above-mentioned type as well as of the requisite ammunition within the period ending on \_\_\_\_\_

Department Head (signature)

**Supplement No. 2**

**Detailed Procedure for Securing Storage Premises and Keeping Records**

**I. Storage**

1. Premises designed to store weapons and ammunition should meet the following requirements:

a) They should be located in a brick-walled building with barred windows and with doors that are clad with at least 2 mm thick sheet metal and locked with at least two locks and an iron bar.

b) They should be electrically wired in a manner serving to make sparking impossible.

c) They should be equipped with fire control devices and facilities located in an obvious spot.

2. Within the storage premises smoking, petroleum lamps, and the introduction of fire from other sources are prohibited.

**II. Record Keeping**

1. Every transaction of purchase or sale of every item of weapon and ammunition, as well as acceptance thereof for sale on consignment, is immediately entered in a purchase and sale ledger, on noting the following data:

1) Date of purchase or acceptance on consignment.

2) Supplier (name, surname, and address, or name and address of the licensed supplier enterprise and the number of its license or a customs receipt).

3) Number and date of proof of purchase or acceptance for sale.

4) Date of sale and the name and surname or firm name and address of the purchaser.

5) Number of the weapon permit (certification of weapon permit, identification card proving membership in the diplomatic corps) and name of the issuing agency.

6) Type, name, trademark, series, number, caliber, and year of manufacture of the weapon (in the event series and number are not available, other factory designation or detailed description of the weapon).

7) Type, caliber, and quantity of ammunition, and weight and kind of gunpowder.

2. Proofs of purchase or acceptance on consignment are kept for five years from the date of purchase (acceptance).

3. Purchase and sale ledgers are kept for five years from the date of the last entry in the ledger.

**Supplement No. 3**

Voivodship Police Headquarters at

Date \_\_\_\_\_

(name and address of vendor)

(year of license)

I certify that on (date) \_\_\_\_\_ was sold the weapon, (type) \_\_\_\_\_, (name) \_\_\_\_\_, (trademark) \_\_\_\_\_, (caliber) \_\_\_\_\_, (series) \_\_\_\_\_, (number) \_\_\_\_\_, (year of manufacture) \_\_\_\_\_; (other factory designation or detailed description of the weapon) \_\_\_\_\_

This weapon was acquired by:

1) \_\_\_\_\_  
(first and last name)  
upon presenting certification of weapon permit  
No. \_\_\_\_\_, dated \_\_\_\_\_;

2) member of the diplomatic corps of the embassy of (country) \_\_\_\_\_ who showed identification card No. \_\_\_\_\_, issued by

Vendor's seal  
First and last name of vendor  
Signature

**Appendices:**

- 1) Three spent cartridge cases
- 2) Test-firing record



**Executive Order on Agencies Issuing Weapons Permits**

91EP0372B Warsaw DZIENNIK USTAW in Polish  
No 76 Item No 452, 12 Nov 90 pp 1027-1030

[Executive Order of the Ministry of Internal Affairs dated 29 October 1990 on the designation of agencies empowered to issue permits for weapons, the establishment of forms for permits, and on defining significant parts of weapons and ammunition]

[Text] Pursuant to Article 1, Paragraph 4, Article 4, Paragraph 6, and Article 5, Paragraph 3, as well as in connection with Article 4, Paragraph 2, of the Law dated 31 January 1961 on Weapons, Ammunition, and Explosives (DZIENNIK USTAW [Dz.U.], No. 6, Item No. 46, 1961; No 6, Item No. 35, 1983; No. 41, Item No. 324, 1988; and No. 35, Item No. 192, 1989), the following is hereby ordered:

Paragraph 1.1. A weapon permit authorizing the purchase, ownership, and carrying of a specified kind of weapon, as well as a weapon permit authorizing the ownership and storage of a specified kind of weapon on the premises specified in that permit, are issued by the voivodship (or Nation's Capital) Police commander.

1.2. Permits for sports weapons operating on the compressed air principle as well as for edged and clubbing weapons are issued by district Police commanders.

Paragraph 2.1. Permits for hunting weapons are issued for a period of from one to five years, and for other kinds of weapons, for a period of from one to three years.

2.2. The weapon permit contains the following information:

1) Name, surname, and address of the person.

2) Designation of the kind of weapon for which the permit is issued: hunting weapon, sports weapon, pistol, revolver, handgun, or other object serving to fire neutralizing chemicals or alarm and signal ammunition, an object serving to neutralize persons with the aid of electrical charges or other energy sources, a crossbow, an edged weapon, or a clubbing weapon.

3) Designation of a weapon for personal protection, or for personal protection in connection with the performance of services relating to the guarding of persons or property, ownership and storage of weapon transmitted for maintenance, renovation, or minor repairs.

4) Data on the weapon: name, brand, serial number, caliber, and year of manufacture, or in the event of absence of serial number, other designation by manufacturer or a detailed description of the weapon.

5) Expiration date;

6) Name of issuing agency.

7) Instruction concerning basic rules and requirements for using the weapon.

2.3. The weapon permit issued to a person who professionally engages in maintaining, renovating, or minor repair of weapons that do not require reconstructing significant parts of them contains moreover information on the address at which these services are performed and the weapons stored as well as the requirements for keeping the related records and storing weapons.

2.4. The weapon permit for the holder (weapon certificate) contains information on kind of weapon, the data specified in Paragraph 2, Points 4, 5, and 6, and the name of the office, institution, plant, or enterprise, as well as the address of the facility protected.

2.5. Sample forms of weapon permits are provided in Supplements 1-4 to this Executive Order.

Paragraph 3. A weapon permit authorizing the ownership and safekeeping of a specified kind of weapon is not required by persons licensed to manufacture and buy and sell weapons and ammunition for commercial purposes, but this does not apply to permits for carrying a weapon.

Paragraph 4.1. The significant parts of a firearm are its: frame, barrel, trigger, and the trigger chamber.

4.2. The significant parts of ammunition are fixed cartridges and blank cartridges as well as cartridge cases filled with explosives or chemical neutralizing agents.

Paragraph 5. The weapon permits issued so far retain their validity until their expiration date, but not longer than by 31 December 1992.

Paragraph 6. This will rescind the Executive Order dated 12 December 1986 of the Minister of Internal Affairs on the Identification of the Agencies Proper for Issuing Weapon Permits, the Determination of Sample Forms of Permits, and the Definition of Significant Parts of Weapons and Ammunition (Dz.U., No. 1, Item No. 7, 1987).

Paragraph 7. This Executive Order takes effect 14 days after its publication.

Minister of Internal Affairs: K. Kozlowski



**Supplement No. 1 to Executive Order Dated 29 October 1990 (Item No. 452) of the Minister of Internal Affairs**

Page 1

Voivodship Police Headquarters at \_\_\_\_\_

Mr.(Mrs.) \_\_\_\_\_  
(name, surname, father's name)

Resident at \_\_\_\_\_  
Space for photograph

Signature of permit holder

Page 2

**Weapon Permit**

Series \_\_\_\_\_, No \_\_\_\_\_

Kind of weapon \_\_\_\_\_

Purpose of weapon \_\_\_\_\_

Name of weapon \_\_\_\_\_

Trademark of weapon \_\_\_\_\_

Series and No. of weapon \_\_\_\_\_

Caliber \_\_\_\_\_

Year of manufacture \_\_\_\_\_

Other factory markings or exact description of weapon \_\_\_\_\_

\_\_\_\_\_

Expiration date \_\_\_\_\_

Date issued \_\_\_\_\_

Voivodship Police Commander (signature)

Page 3

Notes concerning extension of expiration date of the weapon permit or a change in address.

Page 4

**Instructions on Basic Principles and Requirements for the Use and Storage of Weapons**

1. The weapon may be used solely as needed for defense or dictated by a higher necessity.

2. The weapon should be used in a manner reducing to a minimum the harm to the person against whom the weapon is used, and it cannot be intended to deprive that person of his or her life or to expose other persons to the danger of losing their lives or health.

3. The nearest police unit should be notified about any instance of use of the weapon, and if in addition a person is wounded, first aid should be provided and a physician summoned.

4. Hunting and sports (including crossbow) weapons may be used only in accordance with their purpose.

5. The weapon should be stored in a manner preventing access thereto of unauthorized persons.

**Supplement No. 2**

Page 1

Voivodship Police Headquarters at \_\_\_\_\_

Mr.(Mrs.) \_\_\_\_\_  
(name, surname, father's name)

Resident at \_\_\_\_\_  
Address of site at which services are rendered and weapons stored

\_\_\_\_\_

\_\_\_\_\_

Page 2

**Weapon Permit**

for a Person Professionally Providing Maintenance, Renovation, and Minor Repair of Weapons That Do Not Require Reconstructing Their Significant Parts

Series \_\_\_\_\_, No \_\_\_\_\_;

This is a permit for the possession and safekeeping of weapons received for maintenance, renovation, or minor repairs. This is not a permit for carrying a weapon.

Expiration date \_\_\_\_\_

Date issued \_\_\_\_\_

Voivodship Police Commander (signature)

Page 3

Notes on extension of the permit's expiration date.

Page 4

**Requirements for the Recording and Storage of Weapons Transmitted for Repairs**

1. The weapon should be stored in a manner preventing access thereto of unauthorized persons, in premises whose windows are secured with gratings, and doors clad with sheet metal and locked with at least two locks and an iron bar.

2. Records should be kept of the reception and issuance of weapons, in a manner serving to identify the owner of the weapon, its specifications, and the period of its repair.

3. The records of weapons and their storage are subject to supervision and monitoring by the police.

### Supplement No. 3

Page 1

Voivodship Police Headquarters at

The weapon is owned by

(name of office, institution, plant or enterprise)

(address of the protected facility)

The holder of this certificate is authorized to carry the weapon specified therein while on duty.

Valid only together with the I.D. card of the institution (plant, office, enterprise) named in this certificate.

Page 2

### Weapon Certificate

Series\_\_\_\_\_, No\_\_\_\_\_

Kind of weapon\_\_\_\_\_

Name of weapon\_\_\_\_\_

Brand name\_\_\_\_\_

Series and No. of weapon\_\_\_\_\_

Caliber\_\_\_\_\_

Year of manufacture\_\_\_\_\_

Expiration date\_\_\_\_\_

Date issued\_\_\_\_\_

Voivodship Police Commander (signature)

### Supplement No. 4

Page 1

District Police Headquarters at

Mr.(Mrs.)\_\_\_\_\_

(name, surname, father's name)

Address\_\_\_\_\_

Space for photograph

(signature of permit holder)

Page 2

Permit for a Sports Weapon or an Edged or Clubbing Weapon

Series\_\_\_\_\_, No\_\_\_\_\_

Kind of weapon\_\_\_\_\_

Name of weapon\_\_\_\_\_

Trademark of weapon\_\_\_\_\_

Series and No. of weapon\_\_\_\_\_

Other factory markings or exact description of weapon

Expiration date\_\_\_\_\_

Date issued\_\_\_\_\_

District Police Commander (signature)

Page 3

Notes on extension of the validity of the weapon permit or on change of address.

### Law on Establishing, Implementing Budgets

91EP0410A Warsaw DZIENNIK USTAW in Polish  
No 4 Item No 18, 18 Jan 91 pp 26-36

[Law dated 5 January establishing and implementing the budget]

[Text]

### Chapter 1. General Provisions

Article 1. The budget law sets forth general guidelines and procedures for the accumulation of the financial reserves included in the State Budget and the gmina budgets, and the allocation of these reserves for financing assignments resulting from the functions of the state and the gminas, and establishes organizational-legal formats of the units accomplishing the tasks included in the State Budget and gmina budgets.

Article 2.1. The State Budget is an annual financial plan which includes the revenues and expenditures of the state.

2.2. The State Budget is adopted by the Sejm for a period of one calendar year in the form of a law henceforth referred to as the "budget law."

2.3. The budget law ensures the implementation of the provisions of socioeconomic policy of the state adopted by the Sejm.

Article 3.1. The following comprise the revenues of the State Budget, with the exception of gmina revenues set forth in a separate law:

1) Taxes on the economic operations performed by corporate persons and individuals, as well as organizational units which are not corporate persons.

2) Taxes on the incomes of the populace.

3) Taxes and fees other than those referred to in Points 1 and 2, and interest and dividends on contributed capital which by virtue of other laws constitute revenue of the State Budget.

4) Proceeds from custom duties.

5) Contributions from the profits of the National Bank of Poland.

6) Payments from unappropriated economic units and state special-purpose foundations.

7) Interest on funds in bank accounts and interest on loans provided.

8) Profits of the state budgetary units from the sale of services and materials.

9) Proceeds from the sale, renting, and leasing of the asset components of the State Treasury.

10) Gifts, inheritances, and bequests to the State Treasury.

11) Various revenues of state budgetary units, including revenues from fines and interest.

3.2. The following are the expenditures of the State Budget:

1) Current expenditures of the supreme organs of state power, supreme and central organs of state administration, and other supreme and central state organs.

2) Current expenditures associated with the operation of the organizational units reporting to the organs referred to in Point 1.

3) Investment subsidies.

4) Subsidies for budgetary enterprises, auxiliary facilities, special funds, and state special-purpose foundations.

5) Product-specific subsidies.

6) Entity-specific subsidies.

7) Special-purpose subsidies for tasks in the field of government administration delegated to gminas and special-purpose subsidies for the gminas' own tasks.

8) Interest on the loans received and on the securities of the State Treasury.

9) Expenditures to cover the costs of writing off bank credits or subsidizing interest rates.

10) Repayment of bank credits and interest by virtue of the guarantees extended.

11) Expenditures associated with issuing and repurchasing securities.

12) General subventions for gminas.

13) Other expenditures set forth in separate laws.

14) The increment of indebtedness by virtue of the loans provided.

Article 4.1. A general budgetary reserve for unforeseen expenditures amounting to up to one percent of the expenditures is provided in the State Budget.

4.2. Special-purpose reserves may be set aside in the budget for expenditures which cannot be broken down into the detailed items of budget classification when the budget is adopted.

4.3. Special-purpose reserves may also be set aside in the State Budget for:

1) Expenditures associated with the repayment of bank credits and interest by virtue of pledges (guarantees) given by the Council of Ministers or the minister of finance on behalf of the State Treasury.

2) Necessary replenishment of general subventions for gminas.

4.4. The special-purpose reserves may be set aside in the State Budget only in the segment referred to in Article 6, Paragraph 2, Point 2.

Article 5.1. The difference between the revenues and expenditures of the budget amounts to the budget surplus or deficit.

5.2. The budget law specifies the allocation of the budget surplus or sources for covering the deficits.

Article 6.1. The State Budget consists of the segments which are managed by the proper ministers, and the summary segment which includes the budgets of voivodes.

6.2. The following are included in separate segments of the budget:

1) General subventions for gminas.

2) General and special-purpose reserves.

3) Funding for science.

6.3. When justified, separate segments may be created in the State Budget for state organizational units which are not organs of power or state administration.

Article 7.1. Gmina budgets are annual financial plans which include:

- 1) The revenues and expenditures of gmina organs.
- 2) The revenues and expenditures of communal budgetary units and gminas' own projects.
- 3) Contributions by organizational units and subsidies for organizational units which settle with the budget of gminas.
- 4) Proceeds from taxes, fees, and other amounts due to gminas and set forth in the laws.
- 5) General subventions from the State Budget.
- 6) Separate expenditures for financing tasks in the field of government administration delegated to gminas, as well as special-purpose subsidies and incomes associated with performing these tasks.
- 7) Revenue from gmina assets.
- 8) Sources for covering the deficit.

7.2. Funds left at the disposal of townships may be separated out in gmina budgets.

Article 8. Gmina councils adopt gmina budgets for one calendar year before the deadlines and along the guidelines set forth in the law on territorial self-government.

Article 9.1. The revenues and expenditures of the State Budget and gmina budgets are broken down as follows:

- 1) Section—which correspond to basic spheres of operation.
- 2) Chapter—which correspond to specific groups of organizational units or budgetary tasks.
- 3) Paragraphs—which correspond to specific sources of revenue and types of budgetary expenditures.

9.2. The revenues and expenditures of the State Budget are also broken down into segments which include individual:

- 1) Supreme organs of state power.
- 2) Supreme and central organs of state administration, administration of justice, science, and others.

3) General tasks which are not assigned to the units referred to in Points 1 and 2, including general and special-purpose reserves and general subventions for gminas.

9.3. Special-purpose subsidies for tasks in the field of government administration delegated to gminas, and revenues and expenditures associated with these tasks are outlined in the appropriate departmental segments of the State Budget and in the segment outlining the budgets of voivodes.

9.4. The following are reflected in separate classification subdivisions, apart from those referred to in Paragraphs 1 and 2:

- 1) The surplus of revenues over budgetary expenditures.
- 2) Proceeds from the sale of bonds and notes of the State Treasury, as well as shares and other securities.
- 3) Proceeds and outlays associated with credits.
- 4) Budget deficits.

9.5. The minister of finance will determine by means of an executive order a detailed classification of budgetary revenues and expenditures, and will set forth the guidelines for assigning individual types of revenues and expenditures to the appropriate subdivisions of the budget classification, as well as the classification of the proceeds and outlays referred to in Paragraph 4.

Article 10. The revenues and expenditures of the State Budget, administered directly by the ministers and voivodes and the units reporting to them, should be kept separate from the tasks in the field of government administration delegated to gminas in the course of planning, record keeping, and reporting.

Article 11. Gminas and their organizational units, managing their finances along the guidelines set forth in the present law, prepare plans and financial reports in keeping with the official guidelines for the classification of budgetary revenues and expenditures.

Article 12. Whenever the law refers to:

1) Ministers—the chiefs of supreme and central organs of state administration are also meant, as well as other administrators of separate segments of the State Budget.

2) The law on territorial self-government—the law dated 8 March 1990 on territorial self-government (DZ1-ENNIK USTAW [DZ.U.] No. 16, Item No. 95, No. 32, Item No. 191, No. 34, Item No. 199, No. 43, Item No. 253, and No. 89, Item No. 518) is meant.

3) Administrators of the segments of the budget—administrators of budgetary means provided for in a given segment of the State Budget are meant.

4) A budget task—a definite, homogenous classification task is meant which is separated out and carried out by various organizational units and individuals.

5) Unappropriated management—budgetary enterprises, auxiliary facilities of budgetary units, and special funds are meant.

6) Unappropriated funds—the funds of unappropriated management and the state special-purpose foundations are meant.

7) Budget—the State Budget and gmina budgets are meant.

## Chapter 2. Financial Management Guidelines

Article 13.1. The inclusion of revenues from definite sources, or expenditures for definite goals, in the State Budget does not provide title for legal claims or obligations of the state against third parties, or the claims of these parties against the state.

13.2. The provision of Paragraph 1 does not apply to the expenditures of the State Budget for general subventions for gminas.

13.3. The principal referred to in Paragraph 1 applies accordingly to the budgets of gminas with regard to the claims and obligations of territorial self-government and third parties.

Article 14. State organizational units whose financial management is not regulated by separate laws are state budgetary units or budgetary enterprises; they conduct financial management along the guidelines set forth in the present law.

Article 15.1. State budgetary units cover their outlays directly from the State Budget, and transfer the generated profits to this budget.

15.2. The administrators of budget segments may set up or liquidate state budgetary units included in a given part of the State Budget.

Article 16.1. Economic operations undertaken with a view to accomplishing the tasks of state organizational units may be conducted in the form of unappropriated management if the costs of such operations are covered by self-generated profits.

16.2. The following forms of unappropriated management may be used:

1) A state organizational unit which engages in economic operations on the principle of cost recoupment

may be operated in the form of a budgetary enterprise which covers its costs from its own profits.

2) Incidental operations or segments of the basic operations of state budgetary units which are not organizationally separated from these units may be financed from the profits generated by these operations, which are henceforth referred to as special funds.

3) Incidental operations or a segment of the basic operation of a state budgetary unit which is organizationally separated from this unit may be run and financed from its own profits in the form of an auxiliary facility.

16.3. Budget subsidies may be allocated for the operation referred to in Paragraph 1.

16.4. The scope and guidelines for allocating the subsidies referred to in Paragraph 3 are set forth.

1) With regard to the State Budget—by the Council of Ministers by means of an executive order.

2) With regard to a gmina budget—by the gmina council.

16.5. The minister of finance shall establish by means of an executive order the rate of product-specific subsidies for the operations included in the order referred to in Paragraph 4, Point 1.

16.6. The minister of finance will set forth by means of an executive order procedures for the creation of and specific guidelines for the financial management of budgetary enterprises, auxiliary facilities, and special funds, which are referred to in Paragraph 2.

16.7. The liquidation of an economic unit which is a corporate person, with a view to creating a unit operating along the guidelines of unappropriated management referred in Paragraph 2, may only occur with the consent of the minister of finance, provided that a voivode gives consent with regard to units which constitute municipal property.

Article 17.1. Organizational units of gminas, whose financial management is not regulated by separate laws, engage in such management along the guidelines set forth in Article 15, Paragraph 1 and Article 16, Paragraphs 1 through 4, Point 2, and Paragraph 6.

17.2. A gmina council may set up or liquidate the units referred to in Paragraph 1.

Article 18.1. A state task may be separated out from the State Budget and financed within the framework of a state special-purpose foundation set up pursuant to the law.



18.2. The expenditures of the state special-purpose foundation may be made only within the framework of the available funds, including current incomes and balances from previous periods, except as provided by Paragraph 4.

18.3. The funds of the state special-purpose foundation may be accumulated in the bank in a separate account.

18.4. It is permissible to temporarily replenish the state special-purpose foundation by means of bank loans.

18.5. The financial management of the state special-purpose foundations is carried out on the basis of plans which constitute a segment of the budget law and set forth the revenues and expenditures of the individual state special-purpose foundations.

18.6. The minister of finance will set forth by means of an executive order specific guidelines for the financial management of the state special-purpose foundations.

Article 19.1. Product-specific subsidies may be provided from the State Budget for enterprises and other units manufacturing certain types of products or rendering certain types of services which are calculated on the basis of specific rates.

19.2. The budget law sets forth the amount and scope of the subsidies referred to in Paragraph 1.

19.3. Except as provided in Paragraph 4, the minister of finance shall determine the rate of product-specific subsidies per unit of product or service, and set forth specific guidelines and procedures for allocating these subsidies, taking into account the equal rights of economic entities regardless of their sector affiliation.

19.4. The minister of national education establishes the rate of subsidies referred to in Paragraph 3 for school and college textbooks, and sets forth specific guidelines and procedures for the allocation of these subsidies in cooperation with the minister of finance.

Article 20.1. Subsidies may be provided from the State Budget for nonstate entities for the state tasks accomplished by these entities.

20.2. The budget law sets forth the amount of subsidies from the State Budget for the units referred to in Paragraph 1.

20.3. The Council of Ministers determines the types of state tasks which may be contracted out to nonstate units.

Article 21. Entity-specific subsidies of the scope defined by statutes or of the scope set forth in regulations issued on the basis of laws may be provided from the State Budget.

Article 22.1. Amortization of bank credits and payments added to the interest on bank credits may be financed from the State Budget within the scope determined by the Sejm.

22.2. The Council of Ministers will set forth by means of an executive order the guidelines and procedures for the settlement of the budget in the transactions referred to in Paragraph 1.

Article 23.1. At the request of a bank or a borrower, the Council of Ministers or the minister of finance may provide a guarantee of repayment of a segment of the bank loan, or the entire loan, from the funds of the budget.

23.2. The guarantee referred to in Paragraph 1 may also apply to the repayment of interest on a bank loan.

23.3. The budget law sets forth the overall amount of obligations which may be covered by the guarantees referred to in Paragraphs 1 and 2.

23.4. The State Treasury has a right to seek the return of funds transferred from the State Budget for repaying the bank loans and interest referred to in Paragraphs 1 and 2.

23.5. The provision of the guarantees referred to in Paragraphs 1 and 2 may be predicated on paying a guarantee fee. The Council of Ministers shall determine guidelines for setting fees and managing guarantee fees.

Article 24. The minister of finance monitors:

1) The amount due to the State Treasury by virtue of foreign loans provided and the amount due by virtue of the return of funds transferred from the State Budget for the loans provided and for the repayment of bank loans and bank interest by virtue of the guarantees given.

2) Obligations of the State Treasury associated with the repayment of domestic and foreign loans and the repurchasing of the securities issued.

Article 25. The minister of finance shall set forth guidelines for accounting and planning with regard to the issuance and circulation of state securities issued by the State Treasury and, in cooperation with the chairman of the Central Office of Statistics, also guidelines for reporting in this field.

### Chapter 3. Guidelines for Investment Financing

Article 26.1. The expenditures of the State Budget for investment include the following:

1) Expenditures for the investment of state units and budgetary enterprises.



2) Subsidies for financing:

a) The investment of other state organizational units, guidelines for the financial management of which are set forth in separate laws.

b) Investment projects of economic entities.

3) Funds for the repayment of bank loans for investment projects covered by the guarantees referred to in Article 23.

4) Funds for the payment of interest on the bank loans referred to in Point 3.

26.2. Subsidies to finance investment projects carried out by the gminas within the scope set forth in the budget law may also be planned in the State Budget.

Article 27.1. The investment projects of state units and budgetary enterprises, economic entities, and state organizational units referred to in Article 26, Paragraph 1, Points 1 and 2 which are financed entirely or in part with the funds of the State Budget or are covered by the guarantees referred to in Article 23, in cases where the total estimated costs of given investment projects are higher than the amounts outlined in the budget law for a given year, and the duration of their implementation exceeds one budget year, are considered central investment projects.

27.2. A list of central investment projects constitutes an annex to the budget law; in the annex, the following are specifically indicated for all investment projects:

- 1) The names and locations of the investment projects.
- 2) The names of the investors.
- 3) The results of the investment projects.
- 4) The total estimated cost of the investment projects.

5) Funds for financing the investment projects, including bank loans covered by the guarantee referred to in Article 23, and subsidies from the State Budget.

6) Investment outlays in the budget year and the planned funding to finance them, including subsidies from the State Budget.

27.3. The Council of Ministers will establish in each case the guidelines for handling investment projects dropped from the list of central investment projects.

Article 28.1. The investment projects of state units and budgetary enterprises are financed from the funds of the State Budget, except as provided by Paragraph 3. These

investment projects may also be financed from unappropriated funds to the degree set forth in regulations pertaining to these funds.

28.2. The investment projects of the auxiliary facilities of budgetary units are financed as the investment projects of these units.

28.3. The housing or social investment projects of enterprises are financed from the funds and along the guidelines set forth in separate regulations.

Article 29.1. The amount of expenditures for financing investment projects should be determined in the draft budget at a level ensuring the timely completion of investment projects.

29.2. The budget and unappropriated investment funds for investment projects are transferred by the administrators of these funds to a bank account from which the investment is financed, at the times and in the amounts which make it possible for the investor to meet obligations in a timely manner.

29.3. The funds accumulated in the accounts referred to in Paragraph 2 which are not used in a given year carry forward to the next year.

29.4. The administrators of the segments of the state budget monitor the status of the commitment of this budget to financing investment projects in progress.

29.5. Budgetary funds received by an economic entity for financing an investment project shall be returned if the economic entity does not allocate within a given year its own funds for financing the investment project at least in the amount planned in the list which was referred to in Article 27, Paragraph 2.

Article 30. The minister of finance, in cooperation with the minister-chief of the Central Planning Administration, will set forth by means of an executive order specific guidelines for planning and financing investment projects for which subsidies from the State Budget have been allocated.

#### **Chapter 4. The Preparation and Adoption of the State Budget**

Article 31.1. The minister-chief of the Central Planning Administration, in cooperation with the minister of finance and interested ministers, develops draft assumptions of a socioeconomic policy, which upon their adoption by the Council of Ministers, are submitted to the Sejm and the Senate before 30 September; before 20 October the Sejm adopts the draft assumptions of socioeconomic policy.

31.2. If the Sejm does not adopt the assumptions before the deadline set forth in Paragraph 1, the government will submit a draft budget law based on the assumptions provided.

### 31.3. The minister of finance:

1) Determines specific guidelines, procedures, and deadlines for preparing materials associated with the draft State Budget; the materials associated with the draft State Budget are prepared by the proper ministers, with the exception of the settlements by enterprises with the budget on account of taxes and subsidies.

2) Incorporates into the draft State Budget the profits and expenditures of the Sejm Chancellery, the Senate Chancellery, the Chancellery of the President of the Republic of Poland, the Constitutional Tribunal, the civil rights ombudsman, the Supreme Court, the Supreme Administrative Court, the Supreme Chamber of Control, and State Labor Inspectorate.

3) Develops the draft budget law and submits it to the Council of Ministers together with background notes and a list of issues in dispute.

4) Sets forth, through procedures outlined in a separate law, the proposed general subventions for gminas, and incorporates the total amount of these subventions into the State Budget.

5) Incorporates into the draft State Budget expenditures associated with guarantees given by the Council of Ministers or the minister of finance and obligations of the State Treasury resulting from treaties.

Article 32. Before the deadline set forth in Article 33, Paragraph 1, the minister of finance informs individual gminas about the annual quotas of general subventions adopted in the draft budget law.

Article 33.1. The Council of Ministers approves the draft budget law and submits it to the Sejm and the Senate together with background notes before 15 November of the year preceding the budget year.

33.2. At the request of the proper Sejm commissions, the ministers provide to them additional information and explanations.

33.3. If the Council of Ministers cannot submit a draft budget to the Sejm and the Senate before the deadline referred to in Paragraph 1 for a valid reason, it must submit before this deadline a draft law on stopgap budget financing together with background notes.

33.4. The stopgap budgetary financing referred to in Paragraph 3 should include the necessary data on the revenues and the expenditures of the State Budget for the budget year or for a certain period of it in a breakdown and with a degree of detail which make it possible for the state budgetary units and budgetary enterprises to function until such time as the budget law is adopted, as well as the authorization to obtain bank loans.

33.5. In the event a budget law or a law on stopgap budget financing is not adopted before the beginning of the budget year, one of the draft laws referred to in Paragraphs 1 and 3 provides the foundation for the financial management of the state, including the determination of the state rates of amounts payable to the budget until an appropriate law is adopted.

33.6. Information on the levels of amounts payable to the budget which is included in the draft budget law is published by the minister of finance by means of an announcement before the year begins in which these amounts payable fall due.

### Article 34.1. The budget law sets forth:

1) The revenue of the State Budget broken down by the most significant sources of these revenues.

2) The expenditures of the State Budget broken down by individual segments including the units referred to in Article 9, Paragraphs 2 and 3, and within the segments along the lines of the sections of budgetary classification.

3) The distribution of the amounts referred to in Article 6, Paragraph 1 into sections and voivodships.

4) Expenditures of the State Budget for tasks delegated to gminas, arranged by the ministry delegating such tasks and by specific sections of the budgetary classification, and revenues associated with these tasks.

5) The surplus of revenues over expenditures in the State Budget and its expected allocation, or the deficit of the State Budget and funds to cover it.

6) The amount of general subventions for gminas in total.

7) Directions for privatizing state assets and the allocation of funds generated in this manner.

8) The size of the increment of indebtedness by virtue of loans granted.

### 34.2. The budget law also includes:

1) A list of the revenues and expenditures of the state units of unappropriated management.

2) The planned revenues and expenditures of individual state special-purpose foundations.

3) The limits of employment (staff positions) if the intention is to make them mandatory in nature.

34.3. Background notes are appended to the draft budget law which include the following:

1) Expected fulfillment of the State Budget in the previous budget year.

2) Predictions concerning basic macroeconomic statistics (output, employment, national income, the turnover

of foreign trade, investment, consumption, prices, income and expenditures of the population, as well as costs, financial accumulation, and profits of economic units).

3) An explanation of the assumptions of the draft State Budget.

4) The financial balance sheet of the public sector.

5) The balance of payments.

6) A forecast of the amounts payable to, and liabilities of, the State Treasury as of the beginning and the end of the budget year, and an estimate of the commitment of the State Budget associated with investment projects financed from the funds of the budget and by virtue of guarantees of the repayment of bank loans with interest.

Article 35. The minister of finance informs the gminas about the final level of the general subventions given to them within seven days of the publication of the budget law.

Article 36.1. The administrators of the segments of the budget develop and submit to the minister of finance the executive breakdown of their budget within the confines of the amount resulting from the budget law within 14 days of the publication of the budget law.

36.2. Upon establishing the amount of revenues and expenditures for the individual budgets of the voivodes referred to in Article 6, Paragraph 1, the voivodes prepare executive breakdowns of the budgets within 14 days of the publication of the budget law.

36.3. The administrators of the segments of the budget prepare and submit to the minister of finance executive breakdowns of revenues and expenditures in the area of the tasks of the government administration delegated to gminas before the deadline set forth in Paragraph 1.

36.4. The executive breakdowns of the budget which were referred to in Paragraphs 1 through 3 should be prepared, with divisions into the sections and chapters of the budgetary classification, separating out subsidies from the budget, payroll expenditures, investment, and other expenditures, the level of which has been determined by a directive on the basis of separate regulation.

36.5. In justified cases, the minister of finance may increase the degree of detail of the executive breakdown of the budget referred to in Paragraph 4.

36.6. The administrators of the segments of the budget and voivodes distribute the general amounts of revenues and expenditures resulting from the executive breakdown of their budget amounts to individual units with a view to ensuring that the financial plans of the state budgetary units and unappropriated management comply with the budget law.

36.7. In transferring the general amount of budgetary expenditures to individual units, the administrators of the segments of the budget, except as provided in Article 70, Paragraph 1, and the voivodes, may separate out only budget subsidies, payroll expenditures, investment, and other expenditures, the level of which has been determined by a directive manner.

36.8. The guidelines, procedures, and deadlines for developing the financial plans of the units referred to in Paragraph 6 are set forth by regulations on the guidelines and procedures for the implementation of the State Budget, and on budgetary enterprises, auxiliary facilities, and special funds.

#### Chapter 5. Developing and Adopting Gmina Budgets

Article 37.1. The revenues of gmina budgets are planned and adopted with a breakdown into at least the most significant sources.

37.2. The expenditures of gmina budgets are planned and adopted at least in a breakdown according to the sections of the budgetary classification.

Article 38.1. Gmina boards develop financial plans for tasks in the field of government administration delegated to gminas proceeding from the amount of subsidies allocated for this purpose in a given calendar year as the basis for this plan.

38.2. The financial plan referred to in Paragraph 1 is developed in a summary form for all tasks delegated by the ministers, with revenues and expenditures broken down into sections, chapters, and paragraphs.

38.3. The minister of finance shall set forth specific guidelines, procedures, and deadlines for preparing financial plans for the delegated tasks in the area of government administration, and for transferring special-purpose subsidies to gminas for accomplishing these tasks.

#### Chapter 6. Implementation of the Budget

Article 39.1. The Council of Ministers provides general supervision of the implementation of the State Budget, and may issue guidelines for the organ of state administration regarding the principles of implementing this budget.

39.2. The minister of finance provides general supervision of the implementation of the revenues and expenditures of the State Budget and in maintaining budgetary equilibrium set forth on an annual basis in the budget law.

39.3. The administrators of the segments of the budget and the voivodes provide supervision and monitor the financial management of the organizational unit reporting to them in its entirety.

Article 40.1. The minister of finance is authorized to:

- 1) Take out loans from banks.
- 2) Issue bonds and treasury notes.
- 3) Purchase and sell nontreasury securities.

40.2. The budget law sets forth permissible indebtedness by virtue of the loans referred to in Paragraph 1, Point 1, the sources of repayment for loans together with interest, and the scope of the issuance referred to in Paragraph 1, Point 2.

40.3. The budget law may introduce restrictions on purchasing and selling nontreasury securities.

Article 41.1. The implementation of the revenues and expenditures of the budget in specific segments of the State Budget falls within the jurisdiction of ministers, voivodes, and the units reporting to them.

41.2. The ministers and voivodes evaluate periodically the progress of the implementation of the tasks, and revenues and expenditures by the organizational units reporting to them, and if need be, undertake steps with a view to implementing the budget correctly.

Article 42.1. In the process of budget implementation, the following guidelines of financial management apply:

- 1) Tasks are implemented in full before the deadlines set forth in regulations.
- 2) Budgetary revenues are collected along the guidelines and before the deadlines following from the regulations in effect.
- 3) Budgetary expenditures are made within the confines of the amounts set forth in the budget, in accordance with their planned allocation, and in a purposeful and thrifty manner.
- 4) The contracting out of tasks shall be based on the principle of selecting the most favorable offer of execution.
- 5) Unforeseen expenditures whose compulsory payment results from executive deeds may be financed from the budget regardless of the level of funds planned for this purpose; they are refunded by means of shifting expenditures from other subdivisions of the budgetary classification or from reserves.
- 6) Transfers of budgetary expenditures in the State Budget may be made along the guidelines and to the extent set forth in Articles 45 and 46.
- 7) The planned expenditures may be increased within the amount of the planned reserves referred to in Article 4.

8) Special-purpose subsidies allocated to the gminas for accomplishing delegated tasks which are not used in a given year are to be returned to the State Budget in the proportion in which the task has not been accomplished.

42.2. The minister of finance will set forth by means of an executive order specific guidelines and procedures for implementing the State Budget.

Article 43.1. The withholding of planned budgetary expenditures should be applied if mismanagement is found to exist in certain units, or if the accomplishment of tasks is delayed, the funds available are excessive, or violations of the guidelines for financial management which were referred to in Article 42, Paragraph 1, occur.

43.2. Decisions on the withholding of planned expenditures in the cases referred to in Paragraph 1 are made by:

- 1) Ministers with regard to their segment of the State Budget.
- 2) Voivodes with regard to their budgets and organs reporting to them, and the minister of finance with regard to the entire State Budget.
- 3) The gmina council with regard to the entire gmina budget.

Article 44.1. Planned expenditures of the State Budget for a definite period of time may be applied in the event the planned condition of budgetary equilibrium is endangered.

44.2. Decisions on withholding the expenditures referred to in Paragraph 1 are made by the Council of Ministers upon securing favorable findings by the Sejm commission with jurisdiction over the matters of the budget.

Article 45.1. Transfers of planned budgetary expenditures between sections or segments may be made by the minister of finance only with a view to complying with the laws.

45.2. With the consent of the interested ministers, the minister of finance may shift expenditures between the segments of the State Budget within the same section.

45.3. The ministers and voivodes may shift the planned budgetary expenditures between the chapters of the budgetary classification within a given segment and section of the State Budget, and transfer some of their powers to units reporting to them.

45.4. The restrictions resulting from Paragraphs 1 through 3 do not apply to shifting expenditures from the reserves of the State Budget referred to in Article 4.

45.5. The shifts of budgetary expenditures cannot increase the total amount of expenditures for wages set

forth in the plan and other expenditures which were made directive in nature on the basis of separate regulations.

45.6. The restrictions referred to in Paragraph 5 do not apply to shifts caused by the need to finance expenditures resulting from losses.

Article 46.1. The Council of Ministers has at its disposal a general budgetary reserve for unforeseen expenditures.

46.2. The Council of Ministers may also authorize the chairman of the Council of Ministers and the minister of finance to administer the budgetary reserve up to a certain amount.

46.3. The special-purpose reserves referred to in Article 4, Paragraphs 2 and 3, are administered by the minister of finance, except as provided in Paragraph 4.

46.4. The special-purpose reserve for increasing wages in the budgetary sphere established on the basis of the law dated 31 January 1989 on the accumulation of funds for wages in the budgetary sphere (Dz.U. No. 4, Item No. 24, No. 48, Item No. 261, No. 64, Item No. 389, and 1990, No. 71, Item No. 417) is administered by the Council of Ministers.

46.5. The funds for science which were referred to in Article 6, Paragraph 2, Point 3 are administered by minister-head of the Office of Scientific-Technical Progress and Implementation.

Article 47. The gmina council may authorize the gmina board to make certain changes in the budget of the gmina, with the exception of shifting expenditures between sections.

Article 48.1. The unused amounts of planned budgetary expenditures expire at the end of the budget year.

48.2. The Council of Ministers sets forth a list of expenditures to which the provision outlined in Paragraph 1 does not apply.

Article 49.1. Draft laws, executive orders, and resolutions submitted to the Council of Ministers whose financial consequences may entail greater expenditures from the State Budget or smaller budgetary revenues, require that the magnitude of such consequences be determined and the draft be previously reviewed by the minister of finance.

49.2. The issuance by a supreme or central organ of state administration of a normative act which entails financial consequences for the State Budget which have not been envisaged in a given budgetary segment, requires coordination with the minister of finance.

Article 50.1. Bank services to the State Budget are provided by the National Bank of Poland.

50.2. The bank services referred to in Paragraph 1 include servicing the accounts of the State Budget and the state special-purpose foundations; they also include drawing reports on the implementation of the State Budget to the extent coordinated by the minister of finance with the chairman of the National Bank of Poland.

50.3. Bank services to the units of unappropriated management are provided by the banks of their choice.

50.4. Bank services are provided within the framework of bank account contracts and the legal norms in effect.

Article 51.1. The minister of finance sets forth:

1) Guidelines and deadlines for drawing up budgetary reports, in coordination with the chairman of the Central Office of Statistics.

2) By means of an executive order, guidelines for accounting by the state budgetary units, units of unappropriated management, state special-purpose foundations, as well as gminas, and their organizational units.

#### Chapter 7. Control of Budget Implementation

Article 52.1. The implementation of the State Budget is monitored by the Sejm.

52.2. The implementation of a gmina budget is subject to the control of the gmina council.

Article 53.1. The minister of finance provides periodic information to the Sejm commission with jurisdiction over the issues of the budget and the Supreme Chamber of Control regarding the progress of implementation of the State Budget in the first half of the year within 30 days after the reporting period ends.

53.2. The gmina board submits information on the progress of implementing the gmina budget for the first half of the year to the gmina council and a regional accounting chamber within 30 days after the reporting period ends.

Article 54.1. The Council of Ministers shall submit to the Sejm and the Supreme Chamber of Control annual reports on the implementation of the State Budget before 31 May of the year following the end of the budget year, together with a report on revenues and expenditures involving tasks in the area of government administration delegated to gminas and summary information on the implementation of gmina budgets.

54.2. A report on the implementation of the State Budget includes:

1) An evaluation of the implementation of the assumptions of the socioeconomic policy, together with basic statistics of production, employment, national



income, foreign trade turnover, investments, consumption, prices and wages, an evaluation of the finances of the economic units, monetary income and expenditures of the population, the financial balance sheet of the public sector, and the balance of payments.

2) Revenues and expenditures entailed by the closure of the accounts of the State Budget compiled with the degree of detail, and in the breakdown of, the budget law.

3) Revenues and expenditures involving tasks in the field of government administration delegated to gminas.

4) The revenues and expenditures of the unappropriated management economy and the state special-purpose foundations.

5) A segment explaining the implementation of the State Budget, taking into account differences between the adopted and implemented budgets.

54.3. Information on the implementation of the gmina budgets should include a listing of revenues and expenditures associated with the closure of the accounts of gmina budgets compiled by section.

54.4. The Council of Ministers shall set forth the extent and format of the summary information on the implementation of gmina budgets which was referred to in Paragraph 1.

54.5. The report referred to in Paragraph 1 provides the basis for a proposal by the Sejm commission with jurisdiction in the matters of the budget to give the government a vote of acceptance for a given budget year.

Article 55.1. A gmina board prepares an annual report on the implementation of the gmina budget arranged by sections, chapters, and paragraphs, and a separate report on the implementation of the financial plans for tasks in the field of government administration delegated to the gmina with the same breakdown.

55.2. The report referred to in Paragraph 1 is forwarded by the gmina administrator, or the burgomaster, to the regional accounting chamber and the proper voivodship office of statistics.

55.3. A summary annual report on the implementation of gmina budgets and a separate report on the implementation of tasks in the area of government administration delegated to the gminas are prepared by the Central Office of Statistics.

55.4. The minister of finance will set forth the format and deadlines for the preparation of the reports referred to in Paragraphs 1 through 3 in cooperation with the chairman of the Central Office of Statistics.

55.5. A gmina council reviews a report on the implementation of the gmina budget before 30 April after the reporting year and makes a decision on giving the board a vote of acceptance.

Article 56. The Council of Ministers shall set forth by means of an executive order the rights and duties of the chief comptroller of the State Budget, chief comptrollers of the budgets of ministries, state budgetary units, budgetary enterprises, and auxiliary facilities, as well as the chief comptrollers (treasurers) of the gminas.

#### **Chapter 8. Responsibility for Violations of Budgetary Discipline**

Article 57.1. The following are violations of budgetary discipline:

1) Failing to establish amounts payable to the budget, or establishing or collecting them in amounts lower than those following from a correct calculation, as well as forgiving them, writing them off, or allowing them to expire in contravention of the regulations.

2) Exceeding budgetary expenditures provided for in the financial plan of the unit implementing the budget.

3) Exceeding authority to make revisions in the budget or the financial plans of budgetary units and enterprises.

4) Failing to administer and clear inventory, or taking inventory in a manner which does not reflect the actual condition.

5) Using subsidies from the budget or the state special-purpose foundations for purposes other than designated.

6) Using the state special-purpose foundations for purposes other than designated.

7) Failing to make complete and timely payments to the budget by budgetary enterprises, auxiliary facilities, and budgetary units in the area of operations financed in the form of special funds.

57.2. The actions referred to in Paragraph 1, Points 2, 3, and 6 taken in the public interest, for the sole purpose of preventing losses or eliminating such losses or consequences entailed by random events, do not constitute violations of budgetary discipline.

57.3. The provisions of Paragraphs 1 and 2 do not apply to the amounts due covered by the law on tax obligations and on customs dues collected on the traffic of individuals.

Article 58. Persons guilty of the violations referred to in Article 57 are held accountable for violating budgetary discipline.



Article 59. Provisions on responsibility for violations of budgetary discipline do not apply if:

1) The total amount due lost on account of the violations referred to in Paragraph 57 does not exceed the average monthly wage in the socialized sector announced by the Central Office of Statistics before the day an adjudicating commission issues a ruling.

2) The total amount of excess budgetary expenditure provided for in the financial plan of a unit implementing the budget is lower than the average monthly wage in the socialized sector.

Article 60.1. An individual guilty of violating budgetary discipline is held accountable for a case of violating budgetary discipline both with and without premeditation.

60.2. The presence of premeditation is established in keeping with the provisions of the Code of Misdemeanors.

Article 61.1. An employee who receives for execution an order violating budgetary discipline is not held responsible if prior to executing the order he submits appropriate reservations to his superior in writing and, despite these reservations, receives a written confirmation of the order; in this case, the supervisor of the unit or another superior of the employee who issued such an order is held responsible. A written order does not relieve the employee of responsibility in a case whereby executing the order amounts to a crime or a misdemeanor.

61.2. The supervisor of the unit or another superior of the employee is also held responsible for violating budgetary discipline in the event of allowing a violation of budgetary discipline to occur by neglecting his duties in the area of supervision.

Article 62.1. The following are penalties for violating budgetary discipline: a warning, a reprimand, or a fine. Fines are imposed up to the amount of three times the average wage in the socialized sector announced by the Central Office of Statistics before the day an adjudicating commission issues a ruling.

62.2. When a penalty is imposed, the kind and degree of guilt and the consequences of violating budgetary discipline are taken into account. The penalty of a reprimand or a fine is imposed in cases of premeditation or if the guilty individual has already been punished for violating budgetary discipline.

62.3. If the accused has committed several actions, and the case of these actions is considered by the same proceedings, one total penalty for all actions is meted out to the accused.

Article 63.1. Responsibility for violations of budgetary discipline has no connection with criminal, criminal-financial, or other responsibilities set forth in legal regulations, except as provided in Paragraphs 2 through 4.

63.2. If criminal or criminal-financial proceedings are initiated in conjunction with a crime which also amounts to a violation of budgetary discipline, proceedings in the case of the violation of budgetary discipline are suspended until the criminal or criminal-financial proceedings are completed.

63.3. If a legally valid conviction occurs for a crime which is also a violation of budgetary discipline, the pending proceedings in the case of violating financial discipline are to be discontinued; the fines imposed but not collected shall not be collected.

63.4. Proceedings in cases of a violation of budgetary discipline are not initiated, and those pending are discontinued, if disciplinary proceedings against an employee have been initiated for the same action under separate regulations.

Article 64.1. A ruling on penalties for a violation of budgetary discipline may not be issued if one year has elapsed since the end of the year in which the violation of budgetary discipline was detected, or if three years have elapsed since the violation of budgetary discipline.

64.2. A penalty for a violation of budgetary discipline cannot be executed if one year has elapsed since the day the ruling became legally valid. The period of suspension of the penalty or its payment in the installments established does not count toward the statute of limitations for the collection of a fine.

64.3. A penalty for a violation of budgetary discipline is expunged by law if two years have elapsed since the penalty was exacted or the statute of limitations expired.

Article 65.1. Proceedings in cases of a violation of budgetary discipline are based on two instances.

65.2. The following are organs adjudicating the cases of violation of budgetary discipline:

1) Departmental adjudicating commissions of the ministers.

2) Adjudicating commissions of regional accounting chambers.

3) The Main Adjudicating Commission of the minister of finance as an organ of second instance.

Article 66.1. The following serve on commissions adjudicating the cases of violation of budgetary discipline: the chairman, his deputies, and between three and five members. The term of the commissions lasts four years.

66.2. An undersecretary of state is the chairman of the departmental adjudicating commission. The competent minister nominates and recalls the chairman, his deputies, and members of the commission.

66.3. The chairman of the Main Adjudicating Commission is nominated and recalled by the chairman of the Council of Ministers at the request of the minister of finance, and the deputies of the chairman of this commission and its members are nominated and recalled by the minister of finance.

66.4. Procedures for nominating the commissions referred to in Article 65, Paragraph 2, Point 2, and their composition will be set forth by the law on regional accounting chambers.

Article 67.1. Commissions consisting of three members adjudicate [cases].

67.2. The chairman of an adjudicating commission nominates from among the people serving on the commission, the chairman of the adjudicating team and two members.

67.3. Members of the adjudicating commissions are independent with regard to their rulings, and are subordinated only to the laws.

Article 68. The Council of Ministers will establish by means of an executive order the extent of the operation of adjudicating organs in cases involving a violation of budgetary discipline, procedures for proceedings before these organs, as well as guidelines for nominating and procedures for the operation of the defenders of budgetary discipline.

Article 69. Organs adjudicating cases involving violations of budgetary discipline, their composition, and procedures for proceedings before them, as well as the guidelines for nominating and procedures for the operation of the defenders of budgetary discipline in the Sejm Chancellery, the Senate Chancellery, the Chancellery of the President of the Republic of Poland, and other budgetary units reporting to the supreme organs of state power, or overseen by them, are determined by the president, the marshal of the Sejm, and the marshal of the senate as appropriate.

#### Chapter 9. Temporary and Final Regulations

Article 70.1. The ministers of national defense and internal affairs may, in cooperation with the minister of finance, establish specific guidelines for financial management in the state budgetary units and units of unappropriated management reporting to these ministers, as well as a classification of the budgetary revenues and expenditures, guidelines for budget accounting, and penalties for the violation of budget discipline.

70.2. The minister of finance, in cooperation with the minister-head of the Office of Scientific-Technical Progress and Implementation, may establish specific guidelines for financial management in scientific and research and development units.

Article 71.1. State organizational units practicing financial management on the basis of Article 13 of the law dated 3 December 1984, Budget Law (Dz.U. No. 56, Item No. 283, 1985, No. 59, Item No. 296; 1986, No. 42, Item No. 202; 1987, No. 33, Item No. 181; 1988, No. 19, Item No. 131, No. 41, Item No. 325; as well as 1989, No. 6, Item No. 32, and No. 34, Item No. 178), in which the forms of financial management referred to in Articles 14 through 16 cannot be applied, use forms envisaged for enterprises or companies, unless provided otherwise in separate laws.

71.2. Ministers who supervise such units select the form of the financial management referred to in Paragraph 1.

71.3. The current financial system for the state organizational unit Polish Radio and Television introduced by special regulations remains in effect for a period of transition until the adoption of a law on radio and television broadcasting by the Sejm.

Article 72. Budget laws may also provide funds for the financing of investment projects and the repayment of bank loans and interest on them other than those referred to in Article 26, Paragraph 1 if these funds were allocated by the Council of Ministers before 1 January 1991 or covered by guarantees extended by the minister of finance on the basis of an authorization by the Council of Ministers.

Article 73. The provisions of Article 42, Paragraph 1, Points 1 through 5 and Point 8, Article 48, and Chapter 8 apply accordingly to gminas and their unions, insofar as this is not regulated by other laws; in the process, the powers which with regard to the State Budget belong to:

1) The Council of Ministers—belong to the gmina council with regard to the gmina budget.

2) Ministers and voivodes—belong to the gmina board with regard to the gmina budget.

Article 74. The law dated 8 March 1990 on territorial self-government (Dz.U. No. 16, Item No. 95, No. 32, Item No. 191, No. 34, Item No. 199, No. 43, Item No. 253, and No. 89, Item No. 518) is amended as follows:

1) Point 4 is deleted in Article 54, Paragraph 2.

2) In Article 57, the period after the words "of profits" is deleted and the words added are "as well as proceeds from short-term loans and bonds less the repayments made."

3) In Article 63, Point 3 is amended to read:

"3) General guidelines for budgetary procedures and financial management in gminas."

Article 75. The law dated 3 December 1984, Budget Law (Dz.U. No. 56, Item No. 283; 1985, No. 59, Item No. 296; 1986, No. 42, Item No. 202; 1987, No. 33, Item No. 181; 1988, No. 19, Item No. 131, No. 41, Item No. 325; as well as 1989, No. 6, Item No. 32, and No. 34, Item No. 178) is repealed.

Article 76. Until a separate law on regional accounting chambers is adopted, the tasks of these chambers, set forth in the law dated 8 March 1990 on territorial self-government (Dz.U. No. 16, Item No. 95, No. 32, Item No. 191, No. 34, Item No. 199, No. 43, Item No. 253, and No. 89, Item No. 518), are performed by the voivodes, but no longer than until 31 March 1991.

Article 77.1. Current executive acts apply until the executive acts envisaged by Article 70, Paragraph 1 are issued, but no longer than until 30 June 1991.

77.2. Organizational units of public roads reporting to the minister of transportation and maritime economy may manage their finances along current guidelines until 30 June 1991.

Article 78. This law takes effect on 1 January 1991 provided that the provisions of the current law, with the exception of Article 31, Paragraphs 1 and 2, Article 32, and Article 33, Paragraph 1, are used for preparing and developing the draft State Budget and gmina budgets for 1991.

President of the Republic of Poland: L. Walesa

## Law on Return of Confiscated Land

91BA0499A Belgrade POLITIKA in Serbo-Croatian  
2 Apr 91 p 2

["Text" of Serbian law: "Law on the Manner and Conditions of Recognizing Rights and on Returning Land Transferred to Social Ownership on the Basis of the Farmland Fund and on Confiscation Due to Unfulfilled Obligations From Compulsory Delivery Quotas of Agricultural Products"]

[Text]

### Article 1

Land dispossessed on the basis of the Law on the Farmland Fund of Social Ownership and on the Appropriation of Land to Agricultural Organizations (SLUZBENI LIST FNRJ [Federal People's Republic of Yugoslavia], No. 22/53, SLUZBENI LIST SFRY, No. 10/65, SLUZBENI LIST SRS [Socialist Republic of Serbia], No. 51/71 and 52/73, and SLUZBENI LIST SAPV [Socialist Autonomous Province of Vojvodina], No. 26/72) and land confiscated due to unfulfilled obligations from compulsory delivery quotas of agricultural products according to ordinances on compulsory delivery quotas shall be returned to the ownership of the previous owner or to his legal heir (henceforth: previous owner), under the conditions, in the manner, and according to the procedure established by this law.

The object of return under the provisions of this law is land that is under social ownership on the date on which a claim is entered.

In the event that there are structures of a permanent character on the land described in paragraph 2 of this article whose value exceeds the value of said land, or permanent plantings have been established on land greater than three hectares that are less than 15 years old, then the previous owner shall be given ownership of other equivalent land (in terms of area and quality) as restitution, but if such land does not exist, or if it cannot be secured, then he shall be paid monetary restitution amounting to the market value, provided that the parties do not reach an agreement otherwise.

The right to restitution in the form of other equivalent land or to monetary restitution according to paragraph 3 of this article is also enjoyed by the previous owner of dispossessed land that is alienated from social ownership up to the date that this law goes into effect.

If the land described in paragraph 1 of this article has the status of undeveloped urban construction land, the previous owner has the right to monetary restitution for the dispossessed land in the amount paid for undeveloped urban construction land according to the Law on Expropriation, provided that restitution has not already been paid to him for said land.

### Article 2

The procedure for claiming the return of land (henceforth: claim) is directed and the ruling is handed down by a commission that is appointed by the minister for agriculture, forestry, and water management upon the recommendation of the opstina assembly (henceforth: commission).

The commission comprises a chairman and four members with substitutes.

The chairman of the commission shall be a judge, and the members of the commission shall comprise one geodesist, one licensed agricultural engineer, and two members of the opstina assembly.

The proceedings of the commission shall also be attended by two citizens of the town next to whose territory the land that is the subject of the claim is located.

The specialized and administrative work needed by the commission shall be performed by the opstina administrative organ responsible for property-rights affairs—the department (or division) for the return of dispossessed land.

### Article 3

The previous owner shall enter his claim with the commission through the opstina administrative organ responsible for property-rights affairs for the town in which the land is located, no later than 10 years from the date upon which this law goes into effect.

In the event that the dispossessed land was under the ownership of a family cooperative or under some other form of communal ownership, the claim may be entered by persons who were members of that community or by the legal heirs of said persons.

### Article 4

Entered together with the claim shall be the decision (ruling, judgment, or other equivalent document or a statement by witnesses) on the dispossession of the land whose return is applied for, proof of restitution paid out, a transcript from the land registry and other public record books in which the right to said land is registered, proof of or information concerning who is in possession of the land, and other evidence that is of significance in reaching a decision.

If the party entering the claim does not have the documentation described in paragraph 1 of this article at his disposal, the administrative organ is obliged to supply the documentation ex officio.

Upon receipt of the claim, the administrative organ is obliged to propose that the initiation of the procedure to

return land according to this law be registered in the land registry or other public record book in which the rights to real estate are registered.

#### Article 5

The parties according to this law are regarded as the previous owner on the one hand, and the opstina, agricultural, or other organization that is in possession of the dispossessed land or that has alienated said land from social ownership (henceforth: organization) on the other hand.

#### Article 6

If the commission finds that the claim is substantiated and that the conditions for the return of the dispossessed land are met, then the previous owner shall be accorded the right to have the dispossessed land returned to him.

If the commission finds that the claim is substantiated but that the conditions for return of the dispossessed land are not met, then the previous owner shall be accorded the right to restitution through other equivalent land, provided that the organization has such land or is able to secure it.

In the case described in paragraphs 1 and 2 of this article, the parties may agree to payment of restitution in cash or in some other form instead of the return of the dispossessed land or the provision of restitution through other equivalent land.

If no agreement is reached on the form and amount of restitution according to paragraph 3 of this article, then the commission shall hand down a ruling establishing the ownership right of the previous owner to the dispossessed land or to other equivalent land, and it shall oblige the possessor to hand over said land within 15 days from the date on which the ruling assumes legal validity, unless the organ establishes a longer period of time based on justified grounds.

In the event that the conditions are met for the return of land according to paragraph 1 of this article, but because of a decrease in the area of the land in social ownership no settlement can be reached with all previous owners, the existing land area shall be returned to them in proportion to the area of the dispossessed land.

The agreement on restitution through other equivalent land concluded before the commission and the legally valid ruling as described in paragraph 4 of this article form the basis for registration of the right to ownership in the land registry or other public record book in which the rights to real estate are registered.

#### Article 7

If the commission finds that the claim is substantiated but that the conditions for return of the dispossessed land are not met, and that there is no possibility of

providing other equivalent land, then it shall be established by a ruling that the party entering the claim is accorded the right to monetary restitution.

In the event described in paragraph 1 of this article, the parties may agree to the amount of the restitution before the commission.

#### Article 8

The competent public legal officer shall be involved in the process of reaching an agreement as described in Articles 6 and 7 of this law.

#### Article 9

If no agreement is reached on the form and amount of restitution, the organ shall, immediately after the ruling described in Article 7 of this law assumes legal validity, deliver all official records pertaining to the subject to the competent local opstina court, which shall decide on restitution in extrajudicial proceedings.

The proceedings before the court shall be conducted on an emergency basis.

The restitution shall be stipulated in the manner and according to ordinances on establishing restitution for the expropriation of real estate.

#### Article 10

An appeal of a ruling handed down by the commission whereby a claim is decided on shall be entered with the Administration for Property-Rights Affairs within the Ministry for Finance.

#### Article 11

An organization that has dispossessed land alienated from social ownership is obliged to provide other equivalent land as described in Article 1, paragraph 4 of this law.

#### Article 12

In the event that the previous owner, according to the provisions of this law, is accorded the right to monetary restitution for dispossessed land, the payment of restitution shall be the responsibility of the organization that is using the land at the time when the restitution is stipulated.

In the event that the dispossessed land is under private ownership, the restitution shall be borne by the organization that alienated said land from social ownership.

In the event that the organization is unable to pay the monetary restitution described in paragraphs 1 and 2 of this article, the obligation to pay said restitution shall be fulfilled by the opstina or, if it, too, is unable to do so, by the Republic of Serbia.



**Article 13**

An organization obliged to return dispossessed land, to provide other equivalent land, or to pay monetary restitution has the right to reimbursement from its legal predecessor if it acquired the dispossessed land through a proper legal transaction.

The opština or the Republic of Serbia also enjoys the right to reimbursement in the case described in Article 12, paragraph 3 of this law.

**Article 14**

Trade in land that came under social ownership on the bases described in Article 1 of this law, trade in allotments, and other forms of disposal of said land are prohibited.

Contracts and other legal transactions concluded after this law assumes legal validity that are in conflict with paragraph 1 of this article are null and void.

Also null and void are contracts concluded after 28 August 1990 through which land described in paragraph 1 of this article is alienated from social ownership.

**Article 15**

The government of the Republic of Serbia shall appoint a special commission to attend to the implementation of this law.

The commission described in paragraph 1 of this article shall submit a report on the implementation of this law.

**Article 16**

All reports and documents produced under the provisions of Articles 1 through 15 of this law are exempt from taxation.

**Article 17**

Contracts on the transfer of land as a gift executed for the benefit of a social legal person during the period of implementation of compulsory delivery measures from 10 August 1945 to 2 August 1952 under conditions of pressure and coercion to execute said gift transfer are null and void.

Petitions for nullification shall be entered with a court of general jurisdiction.

**Article 18**

This law shall assume legal validity on the day following its publication in *SLUŽBENI GLASNIK REPUBLIKE SRBIJE*.

**Amendments to Serbian Law on Public Auditing Service**

91P20330A Belgrade *SLUŽBENI GLASNIK*  
in Serbo-Croatian 29 Mar 91 pp 636-637

[Amendments to the Law on the Public Auditing Service of the Socialist Republic of Serbia adopted by the National Assembly on 21 March]

[Text] On the basis of article 83, point 3 of the Constitution of the Republic of Serbia, I issue a decree on the announcement of the law on changes in and amendments to the Law on the Public Auditing Service of the Socialist Republic of Serbia.

The law on changes in and amendments to the Law on the Public Auditing Service in the Socialist Republic of Serbia, adopted by the National Assembly of the Republic of Serbia at the third meeting of the first regular session on 21 March 1991, is announced.

Regulation Number 9  
Belgrade, 21 March 1991

[Signed] President of the Republic, Slobodan Milosevic

**The Law on the Changes in and Amendments to the Law on the Public Auditing Service in the Socialist Republic of Serbia**

**Article 1**

In the Law on the Public Auditing Service in the Socialist Republic of Serbia (*SLUŽBENI GLASNIK SRS* NO. 54/77, 17/78 and 13/83) a new law is added after Article 13, which reads:

"Article 13a—The service in the republic and services in the autonomous provinces, in operating in their area of jurisdiction, in case of a conflict between the republic law or regulations of the federal law, apply republic laws and regulations."

**Article 2**

After Article 82, a new chapter VIIa of the Penal Code is added with a new article which reads:

"Article 82a—The official in the service of the republic or in services of the autonomous provinces who does not observe the republic law and regulations, as stipulated in Article 13 of this law, will be punished for the criminal act by a sentence of up to three years in prison.

"Any other person who, through his operations, orders or actions hinders the official in paragraph 1 of this article or directs him to carry out his duties in the sector of the Public Auditing Service contrary to Article 13a of this law will also be punished by a prison term of up to three years."

**Article 3**

This law goes into effect the day after its announcement in *SLUŽBENI GLASNIK* of the Republic of Serbia.

**END OF**

**FICHE**

**DATE FILMED**

20 May 1991